



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

Complaint of Daren M. Cox v.  
Janet L. Yellen, Secretary of the Treasury  
TD Case Number: IRS-23-0457-F

April 27, 2023

NOTIFICATION OF RECEIPT  
OF FORMAL COMPLAINT

Dear Daren Cox:

We have received the above-referenced formal complaint of discrimination which was filed on **April 17, 2023**. The complaint has been assigned Treasury Department Case Number **IRS-23-0457-F**. This case number will be used in all future correspondence concerning the complaint. It is the responsibility of complainants and their Representatives to keep the Office of Civil Rights and Equal Employment Opportunity (OCRE) informed of their current mailing addresses and telephone numbers by providing us notice of any change of address or telephone number as soon as it occurs.

The complaint will be assigned to an EEO Specialist and reviewed to determine whether it meets the requirements for processing under the provisions of the United States Equal Employment Opportunity Commission (EEOC) regulations, 29 CFR Part 1614. You will be contacted by an EEO Specialist.

cc:  
(via e-mail)

Daren M. Cox, [darencox@outlook.com](mailto:darencox@outlook.com)

Anthony L. Jacobi, [Anthony.l.jacobi@irs.gov](mailto:Anthony.l.jacobi@irs.gov)  
Ruth H. Golden, [ruth.h.golden@irs.gov](mailto:ruth.h.golden@irs.gov)

*Due to the COVID-19 pandemic emergency, all staff in the Office of Civil Rights and EEO are teleworking. We are unable to receive or send hard copies of complaint-related materials via mail or fax. All correspondence must be conducted electronically, and this office will send all letters and documents via email, unless a reasonable accommodation is requested.*



**INDIVIDUAL COMPLAINT OF  
EMPLOYMENT DISCRIMINATION WITH  
THE DEPARTMENT OF THE TREASURY**  
OCRE RECEIVE COMPLAINT ON APRIL 17, 2023

For Office Use Only:

Department Formal Case Number

**IRS-23-0457-F**

Filing Date

**APRIL 17, 2023**

**PART I: COMPLAINANT IDENTIFICATION**

**1. Name**

Last Name <b>Cox</b>	First Name <b>Daren</b>	Middle Initial <b>M</b>
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**2. Primary Contact Number (Include Area Code)**

Phone <b>336-669-7297</b>	Best Time to Call: <input type="radio"/> Morning <input type="radio"/> Afternoon <input checked="" type="radio"/> Evening
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**3. Preferred Email Address**

Email <b>DarenCox@outlook.com</b>	<b>Daren.M.Cox@usps.gov</b>
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**4. Home Address (You must notify the Department of any changes of address or your complaint may be dismissed. Send updated information to: Office of Civil Rights and Diversity, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.)**

Street Address <b>1419 Staley Snow Camp Rd</b>	City <b>Siler City</b>	State <b>NC</b>	ZIP <b>27344</b>
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**5. If you are a current or former employee of the Federal government, list your most recent title, series, and grade.**

Title <b>N/A</b>	Series	Grade
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**6. Name and Address of Organization Where You Work (if a Treasury Employee)**

Bureau and Business Unit <b>IRS</b>	Office and Organizational Component
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Street Address	City	State	ZIP
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**7. Employment Status in Relation to this Complaint:**

<input checked="" type="radio"/> Applicant <input type="radio"/> Probationary <input type="radio"/> Career/Career Conditional <input type="radio"/> Former Employee <input type="radio"/> Retired <input type="radio"/> Other: _____	Date Left Treasury Employment (if applicable)
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**PART II: DESIGNATION OF REPRESENTATIVE**

**8. You may represent yourself in this complaint or you may choose someone to represent you. Your representative does not have to be an attorney. You may change your designation of a representative at a later date, but you must notify the department immediately in writing of any change, and you must include the same information requested in this Part.**

"I hereby designate \_\_\_\_\_ (Please Print Name) to serve as my representative during the course of this complaint. I understand that my representative is authorized to act on my behalf."

**9. Representative's Mailing Address**

Firm / Organization
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Street Address	City	State	ZIP
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**10. Representative's Employer (If Federal Agency)**

Employer
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**11. Representative's Telephone/Email Address**

Phone	Email
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### PART III: ALLEGED DISCRIMINATORY ACTIONS

12. Name and Address of Treasury Bureau that took the action at issue (if different than item 6.)

Bureau and Business Unit	Office and Organizational Component		
Street Address	City	State	ZIP

13. If your complaint involves nonselection for a position, please complete the below information. If you wish to allege more than one nonselection, list the same information for each additional nonselection under number 14.

Position Criminal Investigator (Special Agent)	Series GL-1811	Grade 9
Vacancy Announcement Number 22-11371439C-CIX-1811-7T9	Date Learned of Nonselection February 28, 2023	

14. (A) Describe the action taken against you that you believe was discriminatory; (B) Give the date when the action occurred, and the name of each person responsible for the action; (C) Describe how you were treated differently than other employees or applicants; (D) Indicate what harm, if any, came to you in your work situation as a result of this action. (Evidence in support of your claim(s) should be provided to the investigator at a later stage. If you require more space to describe your allegations, please attach an additional page(s) to this form upon submission.)

Whether the Counselor (CL) was subjected to discrimination on the basis of Age (06/1965) when on February 28, 2023, the CL received an e-mail notifying him that he was ineligible for the GL-1811-9 Special Agent position within Criminal Investigation (CI) because he exceeds the maximum age requirement for the position. Also the Provisions of Public Law 93-950 and Public Law 100-238 does not apply to this position nor the larger IRS.

15. Mark below ONLY the bases you believe were relied on to take the actions described in #14.

- |   |   |
|---|---|
| <input type="checkbox"/> Age (Date of Birth: _____)   | <input type="checkbox"/> National Origin (Specify: _____) |
| <input type="checkbox"/> Race (State Race: _____)   | <input type="checkbox"/> Disability                       |
| <input type="checkbox"/> Color (State Color: _____)   | <input type="checkbox"/> Protected Genetic Information    |
| <input type="checkbox"/> Religion (State Religion: _____)                                     | <input type="checkbox"/> Retaliation/Reprisal             |
| <input type="checkbox"/> Sex ( <input type="checkbox"/> Male <input type="checkbox"/> Female) | (Date of Prior EEO Activity: _____)                       |
| <input type="checkbox"/> Sex-Pregnancy <input type="checkbox"/> Sex-LGBT                      | <input type="checkbox"/> Parental Status                  |

16. What remedial or corrective action are you seeking to resolve this matter?

## PART IV: CONTACT

17. When did the *most recent* discriminatory event occur?

Date of Most Recent Event  
prior to February 28, 2023 6:51 PM when decision was made

18. When did you first become aware of the alleged discrimination?

Date of Awareness  
February 28, 2023 6:51 PM

19. When did you contact an EEO Counselor?

Date of EEO Contact  
03/16/2023

Name of EEO Counselor Adrienne Taylor	EEO Counselor Phone or Email 469-801-0492
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20. Did you discuss all actions raised in item 14 with an EEO Counselor?

Yes  No

(If no, please explain)

21. When did you receive your **Notice of Right to File**?

Date Received Notice  
03/31/2023

22. If you contacted an EEO Counselor more than 45 days after the most recent alleged discriminatory event, or if you are filing this form more than 15 days after receiving the Notice of Right to File, please provide an explanation for the delay below and attach additional supporting documentation if necessary.

I tried several times to file and the system was down, problematic or didn't take it. This is my third attempt and , I also didn't get the proper form, so I am also using the form provided by the person I contacted to ensure my form had been received, it had not.

23. On this same matter, have you filed a grievance or appeal under:

- |                                |   |
|--------------------------------|---|
| Negotiated grievance procedure | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| Agency grievance procedure     | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| MSPB appeal procedure          | <input checked="" type="radio"/> Yes <input type="radio"/> No |

If you filed a grievance or appeal, provide date filed, case number, and present status.

Date Filed	Case Number	Present Status
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## PART V: SIGNATURE

24. I certify that all of the statements made in this complaint are true, complete, and correct to the best of my knowledge and belief.

Signature of Complainant or Attorney Representative  Daren Cox	Digitally signed by Daren Cox Date: 2023.04.18 09:33:07 -04'00'	Date 04/18/2023
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DEPARTMENT OF THE TREASURY  
EQUAL EMPLOYMENT OPPORTUNITY INFORMAL REPORT OF COUNSELING

Name of EEO Counselor Filing Report: Adrienne Taylor		Bureau name: Internal Revenue Service	
EEO Counselor's E-mail Address: adrienne.n.taylor@irs.gov		Informal Pre-Complaint Number: IRS-23-0457	
1. Formal Complaint Processing Office:	2. EEO Officer:	3. Resolution Program Manager:	4. Date Counseling First Sought:
Office of Civil Rights and EEO Department of the Treasury 1500 Pennsylvania Avenue, NW Washington, DC 20220	Valerie Gunter Chief Diversity Officer Ofc Equity- Diversity & Inclus Internal Revenue Service 1111 Constitution Ave NW Washington, DC 20224-0002	Joseph H. Franklin Coordinator, Alternative Dispute	03/01/2023
			5. Date of Initial Interview:
			03/20/2023
6. Employee or Applicant:		7. Matter Causing Complaint or Issue:	
Name:	Daren Cox (Applicant)	<input type="checkbox"/> Appointment/Hire	<input type="checkbox"/> Pay Including Overtime
Title:		<input type="checkbox"/> Assignment of Duties	<input checked="" type="checkbox"/> Promotion/ Non-Selection
Grade & Series:		<input type="checkbox"/> Awards	<input type="checkbox"/> Reasonable Accommodation (Disability)
Office:		<input type="checkbox"/> Class Complaint	<input type="checkbox"/> Reasonable Accommodation (Religious)
Mailing Address:	7029 Albert Pick Road Greensboro, NC 27498	<input type="checkbox"/> Conversion to Full-time	<input type="checkbox"/> Reassignment (Denied)
Telephone No.:	(336) 669-7297	<input type="checkbox"/> Disciplinary Action: Demotion	<input type="checkbox"/> Reassignment (Directed)
8. Basis or Type of Discrimination:		<input type="checkbox"/> Disciplinary Action: Removal	<input type="checkbox"/> Reinstatement
<input checked="" type="checkbox"/> Age: 57	Month/Year: 06/1965	<input type="checkbox"/> Disciplinary Action: Reprimand	<input type="checkbox"/> Retirement
<input type="checkbox"/> Race:		<input type="checkbox"/> Disciplinary Action: Suspension	<input type="checkbox"/> Termination
<input type="checkbox"/> Color:		<input type="checkbox"/> Duty Hours	<input type="checkbox"/> Terms/Conditions of Employment
<input type="checkbox"/> National Origin:		<input type="checkbox"/> Equal Pay	<input type="checkbox"/> Time and Attendance
<input type="checkbox"/> Religion:		<input type="checkbox"/> Examination/Test	<input type="checkbox"/> Training
<input type="checkbox"/> Disability:	<input type="checkbox"/> Mental <input type="checkbox"/> Physical	<input type="checkbox"/> Evaluation/Appraisal	<input type="checkbox"/> Working Conditions
<input type="checkbox"/> Retaliation/Reprisal	<input type="checkbox"/> Participation _____ <input type="checkbox"/> Opposition _____	<input type="checkbox"/> Harassment (Non-sexual)	<input type="checkbox"/> Medical Examination
Protected Genetic Information		<input type="checkbox"/> Harassment (Sexual)	<input type="checkbox"/> Other (Please describe the space provided at the bottom of this page)
<input type="checkbox"/> Sex (Gender):	<input type="checkbox"/> Male <input type="checkbox"/> Female		
	<input type="checkbox"/> Pregnancy		
	<input type="checkbox"/> Sexual Orientation		
	<input type="checkbox"/> Gender Identity		
<input type="checkbox"/> Parental Status	With respect to an individual who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: a biological parent, an adoptive parent, a foster parent, a stepparent, a custodian of a legal ward, in loco parentis over such individual or actively seeking legal custody or adoption of such an individual.		
<input type="checkbox"/>	(Other: Please describe below) Maximum characters and spaces is 1064. If additional space is required, please continue on a separate sheet of paper and attach it to this form.		
9. Date Aggrieved signed the Notice of Rights and Responsibilities:		03/21/2023	



10. An EEO Counselor cannot reveal the identity of a person who has come for EEO counseling, except when authorized to do so by the person counseled.

Is Aggrieved willing to have their name revealed during the EEO counseling stage? If answer is "Yes," Aggrieved must consent on the Rights and Responsibilities sheet

YES

NO

11a. Date the Alleged Discrimination Occurred:	02/28/2023	12a. Date Aggrieved became aware of alleged	02/28/2023
11b. Organization Where Alleged Discrimination Occurred:		12.b Explain if the date in 11a is different than the date in 12a.	
Human Capital Office: Talent Acquisition: Employment Operations		N/A	

13. If complaint appears to be untimely, what explanation is offered to explain why EEO Counselor was not contacted within 45 days?

N/A

14. Report of EEO Counseling and Information developed during inquiry (Identify the source of each fact; attach relevant documents provided by employee/applicant, management officials involved, other witnesses, personnel, etc., or those obtained by the Counselor.) Attach separate page(s) if more space is required.

The maximum number of characters and spaces allowed is 1482. If additional space is needed, continue on a separate sheet of paper and attach it to this form.

Whether the Counselor (CL) was subjected to discrimination on the basis of Age (06/1965) when on February 28, 2023, the CL received an e-mail notifying him that he was ineligible for the GL-1811-9 Special Agent position within Criminal Investigation (CI) because he exceeds the maximum age requirement for the position.

The CL explained that he applied for the Criminal Investigator (Special Agent), GL-1811-7/9 position via announcement number 22-11371439C-CIX-1811-7T9 in the following locations: Greensboro, North Carolina; Raleigh, North Carolina; and, Roanoke, Virginia. On February 28, 2023, the CL received an e-mail notifying him that he was not eligible for this position because he exceeds the maximum age requirement. The e-mail noted that he was not referred to the hiring manager because of his ineligibility. The CL stated that because of this, he was not accepted into the intergovernmental posting and was not able to apply for other positions. The CL contends that he lost out on a future of lifetime wage increases. The CL believes the Agency discriminated against him based on his Age.

15. Remedial Action Desired by Aggrieved:

1. Selection to the GL-1811-9 Special Agent position; and,
2. Monetary compensation up to \$30,000



16. Has Aggrieved raised the same matter under another procedure? If "yes", please attach supporting documentation.

• On the same matter has Aggrieved filed a grievance under a negotiated grievance procedure?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
• On the same matter has Aggrieved filed a grievance under the Agency grievance system?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
• Has Aggrieved appealed to the Merit Systems Protection Board?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

If a grievance or appeal has been filed, what is its status and grievance number?

17. Does Aggrieved elect to have a representative?	18. Was the Aggrieved offered ADR?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO	If 'NO,' indicate reason ADR was not offered: No Agency management offic	

If Yes, please provide Representative's contact information:

Name:  
Telephone Number:  
Address:

Did Aggrieved Elect to Participate in ADR?	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Date Request for ADR was Submitted:		
Date Mediation Occurred		

19. EEO Counseling Inquiry Contacts (If additional space is required, please continue on a separate sheet of paper labeled "Contacts" and attach it to this form.)

Date of Contact	Name	Position Title	Contact Information - Work email address/tele number
03/20/2023	Daren Cox	Applicant	Daren.M.Cox@usps.gov / (336) 669-7297
03/20/2023	Homer Byers	Management and Program Analyst; GS-0	Homer.W.Byers@irs.gov / (513) 975-6132

20. Responding Manager Official(s): Homer Byers 20b. Date Interviewed: 03/20/2023

20c. Management's Response: (If additional space is required, please continue on a separate sheet of paper labeled "Management's Response", include the responding official's name and attach it to this form.)

Homer Byers, Management and Program Analyst; GS-0343-14

The EEO Counselor contacted Homer Byers, the Personnel Specialist listed in the e-mail that the CL received notifying him of his ineligibility. Mr. Byers provided the following response:

The vacancy announcement lists the age requirements and the provisions for which there is a waiver. When applicants apply, there is a screen out question that asks for their date of birth. The system calculates their age and screens out applicants that don't meet the age requirement automatically. Preference eligible veterans and some individuals with prior law enforcement experience are not screened out.

The OPM policy for IRS Special Agents is that non-veterans must be referred for selection before their 37th birthday. If an applicant responds to their ineligibility notice asking why they were screened out due to age, we send the response below. The hyperlink in the response directs them to the OPM qualification policy for federal law enforcement officers and further explains the maximum entry age requirements.

The maximum entry age for the IRS Criminal Investigator position is 37. Information on the maximum entry age requirements is clearly listed in the "Qualifications" section of the vacancy announcement. Provisions of Public Law 93-950 and Public Law 100-238 allow the imposition of a maximum age for original appointments to a law enforcement officer position within the Federal government. For more information on the Federal government's policy on age restrictions, you can go here. Age requirements are covered in section 10(c)(2).

\*Closeout Statement: On March 22, 2023, the EEO Counselor provided the CL with the Agency's response. The CL requested his Notice of Right to

21. Date of Final Interview with Aggrieved/Notice of Right to File EEO Discrimination Complaint Issued: 03/30/2023

Signature of EEO Counselor: Adrienne N. Taylor  Digitally signed by Adrienne N. Taylor  
Date: 2023.04.03 11:11:52 -05'00'

Date Signed: 4/3/23



## Privacy Act Statement

**AUTHORITY:** 29 U.S.C. § 206(d); 29 U.S.C. § 791; 42 U.S.C. § 2000e; 42 U.S.C. § 2000ff-(2); 29 U.S.C. § 633a; 5 U.S.C. § 1303-1304; 5 CFR § 5.2-5.3; 29 CFR § 1614.105, .107; Executive Order 11478, as amended; and Executive Order 13152 and Management Directive 110 (August 2015).

**PRINCIPAL PURPOSE(S):** This information is being collected for the sole purpose to record a pre-complaint allegation of employment discrimination with the Department of the Treasury on the grounds of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, disability, protected genetic information, parental status, or reprisal. An employee or applicant must participate in pre-complaint EEO counseling to informally resolve the allegation(s) per § 1614.105, prior to filing a formal EEO complaint of discrimination. Information provided on this form will be used to inform the aggrieved that, because the matters brought to our attention have not been resolved, the aggrieved is now entitled to file a formal EEO discrimination complaint with the Department of the Treasury. The information captured on this form will be used by the Department of the Treasury to provide a factual basis of the allegation(s) discussed during pre-complaint EEO counseling. This form will also be used to ensure the aggrieved is informed of his/her right to file and to provide instructions on how and where to file a formal EEO complaint of discrimination.

**ROUTINE USE(S):** The information on this form may be disclosed as generally permitted under 5 U.S.C. §552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in Treasury 0.013--Department of the Treasury Civil Rights Complaints and Compliance Review Files – 81 FR 78266 (Nov. 7, 2016).

**PAPERWORK REDUCTION ACT STATEMENT:** In accordance with the Paperwork Reduction Act of 1995, The Department of the Treasury may not conduct or sponsor, and the respondent is not required to respond to this collection of information unless it displays a valid OMB Control Number. The valid OMB Control Number for this information collection is 1505-0262. The collection of this information is voluntary. However, the information is necessary to determine if your complaint of employment discrimination is acceptable for further processing in accordance with EEOC, 29 C.F.R. §1614. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the form. Send comments regarding this burden estimate or any other aspects of this collection, including suggestions for reducing this burden, to Department of the Treasury, Office of Civil Rights and EEO, 1500 Pennsylvania Avenue, N.W., Washington, DC 20220.

TD F 62-03.8  
Revised 2/2017

# Contact Intake Form

Internal Use Only

(See the instructions for completing this form)

Revised: November 2019

## Part A - Contact Information

Date Contact Initiated	03/01/2023	Contact Method	*EEO Mailbox	Remain Anonymous?	
Contact Name	Daren Cox - Applicant				
Home Address					
City		State	NC	Zip Code	
Business Unit	Function	Grade, Series, & Position		Tour of Duty	
External					
Work email		Work Phone		Desk or Cell?	
Personal email		Personal Phone		Home or Cell?	
Daren.M.Cox@usps.gov				Preferred Contact Mode	Where?
1st Level Supv		2nd Level Supv			

## Part B - EDI Operations Information

iComplaints Contact No.	Name of Intake Person	Territory Office
PRE-0474-23	Theronne T. Washington	T1 (East)

Contact Category--Select all that Apply

Administrative Process	Managerial Decisions	Workplace Conflict	Disability
<input type="checkbox"/> Personnel Action	<input type="checkbox"/> Disciplinary/Adverse Actions	<input type="checkbox"/> Employee to Employee	<input type="checkbox"/> Physical/Mental
<input type="checkbox"/> Other	<input type="checkbox"/> Mid-Year & Appraisal	<input type="checkbox"/> Employee to Other Workers	<input type="checkbox"/> Reasonable Accommodation
	<input type="checkbox"/> Performance Feedback	<input type="checkbox"/> Manager & Employee Conflict	<input type="checkbox"/> Other
	<input type="checkbox"/> Time & Attendance	<input type="checkbox"/> Sexual Harassment*	
	<input type="checkbox"/> Other Managerial Decisions	<input type="checkbox"/> Harassment*	

\* Complete the appropriate section below.

Please provide a short explanation for any boxes checked under "Other"

Type of Alleged Sexual Harassment	How was the Allegation Investigated- Check all that apply		
	<input type="checkbox"/> EEO	<input type="checkbox"/> EEO Complaint Filed	<input type="checkbox"/> Management Inquiry
	<input type="checkbox"/> TIGTA	<input type="checkbox"/> No EEO Complaint Filed	<input type="checkbox"/> Negotiated EEO Grievance Process

Type of Sexual Activity (Check all that apply)

<input type="checkbox"/> Inappropriate comments of a sexual nature	<input type="checkbox"/> Unwanted gifts/notes/cards/flowers, etc.	<input type="checkbox"/> Stalking
<input type="checkbox"/> Personal Contact -- fondling, kissing, touching, and back rubs	<input type="checkbox"/> Threat (physical/sexual)	<input type="checkbox"/> Leering
<input type="checkbox"/> Unwanted calls, text messages, or emails of a sexual nature	<input type="checkbox"/> Rumors of a Sexual Nature	<input type="checkbox"/> Sexual advances
<input type="checkbox"/> Sexually explicit pictures/posters/stickers	<input type="checkbox"/> Repeated requests for dates	<input type="checkbox"/> Obscene gestures
<input type="checkbox"/> Other		

If Other, please explain

Parties Involved

<input type="checkbox"/> Manager-- Male to Female	<input type="checkbox"/> Male to Female	<input type="checkbox"/> Outsider -- non IRS employee
<input type="checkbox"/> Manager -- Female to Male	<input type="checkbox"/> Female to Male	<input type="checkbox"/> 3rd Party
<input type="checkbox"/> Manager -- Male to Male	<input type="checkbox"/> Same sex -- Female to Female	<input type="checkbox"/> Other
<input type="checkbox"/> Manager -- Female to Female	<input type="checkbox"/> Same sex -- Male to Male	

**RAH (Reported Allegations of Harassment)***(Fill in only if contact involves Harassment allegation)***Type of Alleged Harassment****How was the Allegation Investigated- Check all that apply**

- |                                |   |   |
|--------------------------------|---|---|
| <input type="checkbox"/> EEO   | <input type="checkbox"/> EEO Complaint Filed    | <input type="checkbox"/> Management Inquiry               |
| <input type="checkbox"/> TIGTA | <input type="checkbox"/> No EEO Complaint Filed | <input type="checkbox"/> Negotiated EEO Grievance Process |

**Type of Activity (Check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Offensive Jokes                                     | <input type="checkbox"/> Derogatory Comments                    | <input type="checkbox"/> Unnecessary -Touching |
| <input type="checkbox"/> Commenting on Physical Attributes                   | <input type="checkbox"/> Ridicule or Mockery                    | <input type="checkbox"/> Indecent Gestures     |
| <input type="checkbox"/> Name-Calling  | <input type="checkbox"/> Using Crude Language                   | <input type="checkbox"/> Sabotaging Work       |
| <input type="checkbox"/> Hostile or Physical Conduct                         | <input type="checkbox"/> Bullying                               | <input type="checkbox"/> Cyber-Harassment      |
| <input type="checkbox"/> Displaying Racially Insensitive Objects or Pictures | <input type="checkbox"/> Using Demeaning or Inappropriate Terms |  |
| <input type="checkbox"/> Other   |   |  |

If Other, please explain

**Parties Involved**

- |   |  |                                |
|---|--|--------------------------------|
| <input type="checkbox"/> Manager to Manager           | <input type="checkbox"/> Employee to Employee          | <input type="checkbox"/> Other |
| <input type="checkbox"/> Manager to Employee          | <input type="checkbox"/> Employee to Contract Employee |                                |
| <input type="checkbox"/> Manager to Contract Employee | <input type="checkbox"/> Contract Employee to Employee |                                |

Counselor/EDI Professional Explained Options to Contact (i.e., Anti-Harassment Process, Initiation of Pre-Complaint Process and 45-day time frame for EEO Counseling?  Yes  No**Part C - Referral Information**

Person Making the Referral:

Date Referred:

Referred To:

**Contact Assignment and Closure Information**

Assigned By

Assigned Counselor

Date Assigned

Closure Date

Date PC Filed

Comments Including Dates (pg.1)

Daren Cox - Applicant

&gt;Basis(es): Age

&gt;Issue(s): Non Selection

&gt;Triggering Event Date: 3/1/2023

&gt;Requested Remedies: None Given

&gt;AHP Notified via e-mail: (N/A)

Comments Including Dates (pg.2--if space provided is not enough, please attach additional info on a Word Document)

Daren Cox - Applicant

**\*\*STATEMENT AS PROVIDED BY THE COUNSELEE\*\***

This refers to the application you recently submitted to this office for the position identified below:

**Position: Criminal Investigator (Special Agent), GL-1811-7/9**

**Announcement: 22-11371439C-CIX-1811-7T9**

**You have requested consideration for the following geographic locations:**

- Greensboro, North Carolina
- Raleigh, North Carolina
- Roanoke, Virginia

**We have reviewed your application and made the following determination(s):**

**Ineligible for the following position or positions:**

- GL-1811-9; You were not considered because you exceed the maximum age requirement for this position.

**If you claimed veterans' preference, your claimed veterans' preference is:**

**NV - No Preference Claimed**

**Based on the supporting documents you provided with your application, your adjudicated veterans' preference is:**

**The following is your referral status for the position or positions to which you applied:**

- You have not been referred to the hiring manager for position GL-1811-9 in Greensboro, North Carolina
- You have not been referred to the hiring manager for position GL-1811-9 in Raleigh, North Carolina
- You have not been referred to the hiring manager for position GL-1811-9 in Roanoke, Virginia

# Instructions for Completing the EDI Contact Intake Form

## About this Form

This form is used to document inquiries from individuals that could lead to the filing of an EEO pre-complaint and/or an Anti-harassment claim. The completion of this form does not mean there will always be a pre-complaint and/or an Anti-harassment claim filed. For example, an individual could contact the EEO office regarding a workplace issue(s) and then decide not to pursue EEO counseling. In this instance, an EEO Contact Intake Form is completed but there is no pre-complaint filed. If the individual decides to pursue EEO counseling, the iComplaints pre-complaint number and date filed must be documented on this form. On the other hand, if employee wants to pursue an Anti-harassment allegation only, the Specialist will complete form and forward to \*EDI AHP mailbox.

## Part A - Contact Information

- **Date Contact Initiated** - Enter the date the individual made contact
- **Contact Method** - Select the contact method (e.g., Referral, Walk-in, etc.)
- **Remain Anonymous** - Indicate whether the individual would like to remain anonymous
- **Additional Contact Information** - Self-explanatory

## Part B - EDI Operations Information (Internal Use Only)

- **iComplaint Contact Number** - Enter the contact number assigned by the iComplaints system, e.g., PREXXXXXX-2014
- **Name of Intake Person** - Enter the name of the person who conducted the intake of the contact
- **Territory Office** - Enter the servicing territory office for the individual who contacted the EEO office
- **Contact Category** - Select the category or categories that match the issues raised by the contact--provide an explanation if "Other" is selected
- **Reported Allegations of Sexual Harassment (RAOSH)** - Complete this section only for contacts that involve an allegation of sexual harassment. *Note: There are additional procedures in place for handling and tracking allegations of sexual harassment beyond completing this section of the form. For additional information about handling allegations of sexual harassment, please see the RAOSH Standard Operating Procedures.*
- **Reported Allegations of Harassment (RAH)** - Complete this section only for contacts that involve an allegation of harassment. *Note: There are additional procedures in place for handling and tracking allegations of harassment beyond completing this section of the form. For additional information about handling allegations of harassment, please see the RAH Standard Operating Procedures.*
- **Contact Elected** - Should be completed to show customers decision on process(es) elected; and date of decision

## Part C - Referral

This section is to be used for all referrals inside the EDI Organization.

- **Contact Closure and Pre-Complaint Assignment** - This section must be completed in its entirety if the contact decides to file an EEO pre-complaint. It is critical to accurately record the date of intent in this section. The Date PC Filed on this form MUST match Event 1.1 Initial Contact/Conversion to pre-complaint date (462: Informal Start) in iComplaints.
- **Comments** - This section should outline the chronological timeline of events by providing sufficient detail so that the following information can be ascertained: 1) the reason for the contact, 2) interactions (including dates) with the individual, management officials and agency representatives, 3) steps taken to address the issues/concerns, and 4) if appropriate, the reason(s) why the individual decided not to pursue EEO counseling. This section can also be utilized to track referrals between AH and IECR leading up to the election of the process (es).

## Important Information

- **Reminder - This intake form is for "Internal Use Only" and not to be uploaded as part of the ROC.**
- **Uploading the EEO Contact Intake Form to iComplaints** - A current contact form must be uploaded and maintained in the iComplaints system for all EEO contacts. Otherwise, a review of the current status of contacts cannot be conducted. In addition, this form must be completed in its entirety and uploaded into the iComplaints system "before" the contact is closed. Note: Attachments cannot be uploaded to iComplaints or revised once a contact has been closed.



## Privacy Act Statement

**AUTHORITY:** 29 U.S.C. § 206(d); 29 U.S.C. § 791; 42 U.S.C. § 2000e; 42 U.S.C. § 2000ff-(2); 29 U.S.C. § 633a; 5 U.S.C. § 1303-1304; 5 CFR § 5.2-5.3; 29 CFR § 1614.105, .107; Executive Order 11478, as amended; and Executive Order 13152 and Management Directive 110 (August 2015).

**PRINCIPAL PURPOSE(S):** This information is being collected for the sole purpose to record a pre-complaint allegation of employment discrimination with the Department of the Treasury on the grounds of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, disability, protected genetic information, parental status, or reprisal. An employee or applicant must participate in pre-complaint EEO counseling to informally resolve the allegation(s) per § 1614.105, prior to filing a formal EEO complaint of discrimination. Information provided on this form will be used to inform the aggrieved of his/her rights and responsibilities in the pre-complaint/formal EEO complaint of discrimination process. The information captured on this form will be used by the Department of the Treasury to ensure the aggrieved has been informed of his/her rights and responsibilities in the pre-complaint/formal EEO complaint of discrimination process.

**ROUTINE USE(S):** The information on this form may be disclosed as generally permitted under 5 U.S.C. §552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in Treasury .013--Department of the Treasury Civil Rights Complaints and Compliance Review Files – 81 FR 78266 (Nov. 7, 2016).

**PAPERWORK REDUCTION ACT STATEMENT:** In accordance with the Paperwork Reduction Act of 1995, The Department of the Treasury may not conduct or sponsor, and the respondent is not required to respond to this collection of information unless it displays a valid OMB Control Number. The valid OMB Control Number for this information collection is 1505-0262. The collection of this information is voluntary. However, the information is necessary to determine if your complaint of employment discrimination is acceptable for further processing in accordance with EEOC, 29 C.F.R. §1614. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the form. Send comments regarding this burden estimate or any other aspects of this collection, including suggestions for reducing this burden, to Department of the Treasury, Office of Civil Rights and EEO, 1500 Pennsylvania Avenue, N.W., Washington, DC 20220.

TD F 62-03.7  
Revised 2/2017



## Department of the Treasury Internal Revenue Service

Name of the Aggrieved: Daren Cox Pre-Complaint Number: IRS-23-0457

### Notice of Rights and Responsibilities Federal Sector Equal Employment Opportunity Regulations 29 CFR Part 1614

Use of the EEO complaint process is voluntary. However, pre-complaint EEO counseling is a mandatory requirement for filing a formal EEO discrimination complaint under the Equal Employment Opportunity Commission (EEOC) Regulations at 29 CFR Part 1614. The regulations also require that individuals seeking EEO counseling be advised, in writing, of their rights and responsibilities. This "Notice of Rights and Responsibilities" is provided in compliance with the regulations. If you do not pursue EEO counseling after the initial inquiry, no further action will be taken with respect to the matters discussed. If you do receive further EEO counseling or pursue an Alternative Dispute Resolution (ADR) procedure, and the matter is not resolved, you will be given a "Notice of the Right to File a Formal Discrimination Complaint" form as explained below.

#### Anonymity

- You have the right to remain anonymous during informal EEO counseling. However, anonymity may restrict the EEO Counselor from achieving informal resolution of the claim(s) you have raised. If you choose to remain anonymous, your name will appear on the EEO Counseling Report. Only the EEO Counselor, EEO Office or Resolution Program Manager will have a copy of the report, unless you file a formal complaint [§1614.105(g)].
- If your informal complaint includes allegations of sexual harassment or hostile work environment, you have the right to maintain your anonymity. Please refer to your bureau's Anti-Harassment Policy and Procedures for additional guidance.
- If you file a formal EEO discrimination complaint, you will have no right to anonymity, and your filing of a formal EEO discrimination complaint will not be confidential [§1614.105(g)].

I wish to remain anonymous

I do not wish to remain anonymous

#### Representation

- You have the right to be accompanied by a representative of your own choosing at every stage in the processing of your complaint, including the EEO counseling stage, as long as there is no conflict of interest or position. The EEO Counselor is not an advocate or representative for either party, but acts strictly as a neutral party in the EEO process [§1614.605(a) and (c)].

If you wish to be represented, it is your responsibility to complete the "Designation of Representative" form that may be obtained from the EEO Counselor. You must sign this form and return it to the EEO Counselor, or to Treasury's Office of Civil Rights and EEO if a formal EEO discrimination complaint is filed. You should read this form carefully, discuss it with your representative, and come to a clear understanding of the terms and conditions specified on the form. If you later wish to proceed without representation, or if you wish to change your representative, you must file a written notice with the EEO Counselor or Treasury's Office of Civil Rights and EEO [§1614.605(a)].

#### Freedom from Reprisal

- You, your representative, and your witnesses shall be free from reprisal in the presentation and processing of a complaint, including EEO counseling, or at any time thereafter [§1614.101(b)].

# Department of the Treasury

## **Election of Process**

- If the agency agrees to offer Alternative Dispute Resolution (ADR) in your particular case and you agree to voluntarily participate, the traditional EEO counseling process will not be used [§1614.105(b)(2)].
- If ADR is not offered or not accepted, the EEO counseling process will take place for 30 days in an attempt to resolve your claims informally. You may grant an extension for EEO counseling up to an additional 60 days, at which time you will receive your Notice of Right to File a Formal EEO Discrimination Complaint.
- If you are covered by a collective bargaining agreement that permits claims of discrimination to be raised, you may elect to proceed either under the EEOC regulations or under the negotiated procedure, but not both. The filing of a written complaint in either forum indicates an election. Use of the pre-complaint process does not constitute an election to proceed under the regulations [§1614.301].
- If an action taken is appealable to the Merit Systems Protection Board (MSPB) and you raise the issue of discrimination during the processing of that action, you have the right to file either a "mixed case complaint" with the agency or a "mixed case appeal" with MSPB. You have 30 days from the date of the action to file an appeal with MSPB and 15 days from the date of the "Notice of Right to File a Formal EEO Discrimination Complaint" or 30 days after the initial interview to file a formal EEO discrimination complaint with the agency. If you file a mixed case complaint, your appeal rights will be to MSPB (not EEOC). You may not file both a mixed case appeal with MSPB and a mixed case complaint on the same matter. The process selected first is deemed the elected process [§1614.302].

## **Filing a Formal Complaint**

- Prior to or at the end of the 30-day EEO counseling period, unless you agree to a 60-day extension and do not engage in ADR, a final interview will be conducted and you will be given a "Notice of Right to File a Formal EEO Discrimination Complaint". If an extension is granted or you engage in ADR, you will be given a Notice of Right to File a Formal EEO Discrimination Complaint not later than 90 days from the date EEO counseling was first sought [§1614.105(d)].
- The Notice of Right to File a Formal Discrimination Complaint shall inform you of:
  - \* the right to file a formal individual or class complaint within fifteen (15) calendar days of receipt of the Notice;
  - \* the appropriate official with whom the complaint should be filed; and
  - \* your duty to immediately inform the agency if you obtain representation.
- The EEO formal discrimination complaint must be in writing and signed by you, or your designated representative, if s/he is an attorney. Your complaint must be precise and describe the actions or practices which form the basis of the complaint. The Notice of Right to File provides you with the link/web address for the complaint form and instructions for filing a formal EEO discrimination complaint, along with information where and with whom the formal complaint must be filed [§1614.106].
- Only issues or claims raised at the EEO counseling stage, or claims that are like or related to those that were raised, may be the subject of a formal complaint, or an amendment to a complaint [§1614.105(b)(1) and §1614.106(d)].

# Department of the Treasury

- If you have filed two or more EEO complaints, the agency must consolidate them after appropriate notice. When a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days from the filing of the first complaint. You may request a hearing before an EEOC Administrative Judge at any time after 180 days from the filing of your EEO complaint [§1614.606].

## **Processing of Formal Complaints**

- After you have filed a formal EEO discrimination complaint, you will receive notification from the Office of Civil Rights and EEO regarding the receipt and acceptance of your complaint. If your complaint is accepted, an investigation will be conducted. If your complaint is not accepted, you will be given appropriate appeal rights.
- After the investigation is conducted, you and your representative will be provided a copy of the investigative file, and notified of your right to request a hearing (in a non-mixed complaint) before an EEOC Administrative Judge or an immediate final agency decision by the agency:
  - \* The investigation shall be completed within 180 days from the date of filing the formal complaint;
  - \* If the complaint was amended, the investigation shall be completed within the earlier of 180 days after the last amendment or 360 days after the filing of the original EEO complaint;
  - \* Upon mutual written agreement, the parties may voluntarily agree to an extension of the investigation for a period of not more than an additional 90 days [§1614.108(f)].
- You may request a hearing before an EEOC Administrative Judge (in a non-mixed case) at any time after 180 days of the filing of the formal EEO discrimination complaint, or within 30 days of receipt of the investigative file, whichever comes first. If your complaint has been consolidated, you may request a hearing 180 days after the filing of the first complaint. If you elect an EEOC hearing, your request should be made, in writing, directly to the appropriate EEOC office. You must notify the Office of Civil Rights and EEO of your hearing request [§1614.108(f)].
- If you do not elect a hearing, you have the right to request a final agency decision on the record from the agency after completion of the investigation and within 30 days from receipt of the investigative file [§1614.110].

## **Sexual Harassment**

- If you raise a claim of sexual harassment, you have the right to bring that issue to the attention of the bureau head and the appropriate Inspector General.

## **Parental Status**

- If you raise a claim of parental status, these non-statutory claims are processed through an administrative procedure, where you will receive a final agency decision. However, there is no right to a hearing by, or an appeal to, the Equal Employment Opportunity Commission.

# Department of the Treasury

## **Other Rights and Responsibilities**

- You are entitled to a reasonable amount of official time to prepare your EEO complaint and respond to agency or EEOC requests for information. If your representative is an agency employee, the representative shall also be entitled to a reasonable amount of official time [§1614.605(b)].
- You have a duty to mitigate damages, e.g., interim earning or amounts that could be earned by the individual with reasonable diligence generally must be deducted from an award of back pay [§1614.105(b)(1)].
- You are required to keep the agency and EEOC informed of your current mailing address [§1614.105(b)(1)].
- You are required to serve copies of hearing requests and appeal papers on the agency [§1614.105(b)(1)].

## **Class Complaints**

- If you wish to file a class complaint, the procedures for filing and the responsibilities of a class agent will be explained to you by the counselor [§1614.105(b)(1)].

## **Right to File a Civil Action in Non-Mixed Cases**

- You may file a civil action in an appropriate United States District Court:
  - (a) After 180 days from the effective date of filing the formal EEO discrimination complaint, if a final decision has not been issued, and appeal has not been filed;
  - (b) Within 90 days of receipt of the EEOC's final decision on an appeal; or
  - (c) After 180 days from the date of filing an appeal with the EEOC, if there has been no final decision by the EEOC [1614.407].

## **Right to File Civil Action in Mixed Cases**

- If your formal EEO discrimination complaint concerns a matter appealable to the Merit Systems Protection Board (MSPB) (a "mixed case"), you may file a civil action in United States District Court:
  - (a) Within 30 days of receipt of a final decision by the agency unless an appeal is filed with MSPB;
  - (b) Within 30 days of receipt of notice of the final decision or action taken by the MSPB if you do not file a petition for consideration with the EEOC;
  - (c) Within 30 days of receipt of notice that the EEOC concurs with or has determined not to consider the decision of the MSPB;
  - (d) If the EEOC issues a decision different from the decision of the MSPB, within 30 days of receipt of notice that the MSPB concurs in and adopts the decision of the EEOC;
  - (e) If the MSPB does not concur in the decision of the EEOC, reaffirms its initial decision, or reaffirms its initial decision with a revision, within 30 days of receipt of notice of the decision of the Special Panel;

# Department of the Treasury

- (f) After 120 days from the date of the filing of the formal complaint if there is no final agency action or appeal to the MSPB;
- (g) After 120 days from the date of filing an appeal with MSPB, if the MSPB has not made a decision; or
- (h) After 180 days from the date of filing a petition for consideration with EEOC, if there is no decision by the EEOC, reconsideration decision by the MSPB, or decision by the Special Panel [§1614.310].

## **Right to File a Civil Action Under the Age Discrimination in Employment Act (ADEA)**

- If you believe that you have been subjected to prohibited age discrimination, as an alternative to filing a complaint under the EEOC regulations, you may file a civil action in an appropriate U.S. District Court at any time within 180 days of the unlawful discriminatory incident, act, event, decision or personnel action, provided that you give the EEOC notice of intent to sue at least 30 days in advance of filing suit [§1614.201(a)].

## **Right to File a Civil Action under the Equal Pay Act**

- If you believe you have been subjected to prohibited sex-based wage discrimination, you may file a civil action in an appropriate U.S. District Court under the Equal Pay Act simultaneously with claims raised under Title VII and processed under 29 CFR Part [§1614.408].

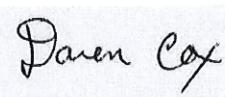
## **Right to a Court Appointed Attorney**

- If you elect to file a civil action, under Title VII or the Rehabilitation Act, and you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or security.

## **Use of Complaint Form**

- You may use the individual complaint form to file your complaint of discrimination. Use of the form is not required, but is recommended. However, if you do not submit the complaint form, you must provide sufficient information to demonstrate that your complaint is acceptable under applicable laws and regulations governing complaint processing in Federal agencies [§1614.106(c)].

I have been advised of my rights and responsibilities and have received a copy of this Notice on this date.



Digitally signed by Daren Cox

Date: 2023.03.21 09:12:52  
-04'00'

03/21/2023

Date

Signature of Aggrieved/Representative

TD F 62-03.7  
Revised 2/2017

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Notice of Rights and Responsibilities  
Initials DMC

Counselor's Report  
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## Privacy Act Statement

**AUTHORITY:** 29 U.S.C. § 206(d); 29 U.S.C. § 791; 42 U.S.C. § 2000e; 42 U.S.C. § 2000ff-(2); 29 U.S.C. § 633a; 5 U.S.C. § 1303-1304; 5 CFR § 5.2-5.3; 29 CFR § 1614.105, .107; Executive Order 11478, as amended; and Executive Order 13152 and Management Directive 110 (August 2015).

**PRINCIPAL PURPOSE(S):** This information is being collected for the sole purpose to record a pre-complaint allegation of employment discrimination with the Department of the Treasury on the grounds of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, disability, protected genetic information, parental status, or reprisal. An employee or applicant must participate in pre-complaint EEO counseling to informally resolve the allegation(s) per § 1614.105, prior to filing a formal EEO complaint of discrimination. Information provided on this form will be used to inform the aggrieved that, because the matters brought to our attention have not been resolved, the aggrieved is now entitled to file a formal EEO discrimination complaint with the Department of the Treasury. The information captured on this form will be used by the Department of the Treasury to provide a factual basis of the allegation(s) discussed during pre-complaint EEO counseling. This form will also be used to ensure the aggrieved is informed of his/her right to file and to provide instructions on how and where to file a formal EEO complaint of discrimination.

**ROUTINE USE(S):** The information on this form may be disclosed as generally permitted under 5 U.S.C. §552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in Treasury 0.013--Department of the Treasury Civil Rights Complaints and Compliance Review Files – 81 FR 78266 (Nov. 7, 2016).

**PAPERWORK REDUCTION ACT STATEMENT:** In accordance with the Paperwork Reduction Act of 1995, The Department of the Treasury may not conduct or sponsor, and the respondent is not required to respond to this collection of information unless it displays a valid OMB Control Number. The valid OMB Control Number for this information collection is 1505-0262. The collection of this information is voluntary. However, the information is necessary to determine if your complaint of employment discrimination is acceptable for further processing in accordance with EEOC, 29 C.F.R. §1614. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the form. Send comments regarding this burden estimate or any other aspects of this collection, including suggestions for reducing this burden, to Department of the Treasury, Office of Civil Rights and EEO, 1500 Pennsylvania Avenue, N.W., Washington, DC 20220.

TD F 62-03.8  
Revised 2/2017

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Counselor's Report  
Page 15 of 15



**Department of the Treasury**  
**Internal Revenue Service**

To<sup>1</sup>: Daren Cox

Pre-complaint number: IRS-23-0457

From: Adrienne Taylor

**Notice of Right to File a Formal EEO Discrimination Complaint**

On 03/01/2023 you<sup>2</sup> contacted an EEO Official to initiate the EEO pre-complaint process during which you alleged: if additional space is required, continue on a blank sheet of paper and attach to this form.

Whether the Counselor (CL) was subjected to discrimination on the basis of Age (06/1965) when on February 28, 2023, the CL received an e-mail notifying him that he was ineligible for the GL-1811-9 Special Agent position within Criminal Investigation (CI) because he exceeds the maximum age requirement for the position.

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<sup>1</sup> If the Aggrieved is represented by an attorney, this form shall be addressed to the representative with a copy to the Aggrieved. 29 C.F.R. § 1614.605(d).

<sup>2</sup> The term "you" as it appears in this Notice should be construed to refer to the Aggrieved.

This is to inform you that, because the matters brought to our attention have not been resolved, you are now entitled to file a formal EEO discrimination complaint with the Department of the Treasury.

If you wish to file a formal complaint, it must be in writing signed by you. If your designated representative is an attorney, s/he may sign on your behalf. The complaint must be filed within **fifteen (15) calendar days after receipt of this Notice**. The complaint form and instructions for filing are available [here](#)<sup>3</sup>.

If you did not contact an EEO Official within 45 days from the date of the matter you allege to be discriminatory, or if you do not file the formal complaint within 15 calendar days of receipt of this Notice, please use section 22 of the formal complaint form to explain why you did not meet the time requirements. The Department will evaluate this information when deciding whether to accept your complaint for investigation.

If you believe you were subjected to prohibited age discrimination (40 years of age and older), as an alternative to filing a complaint under the Equal Employment Opportunity Commission regulations, you may file a civil action in an appropriate U.S. District Court under the Age Discrimination in Employment Act against the Secretary of the Treasury, provided that you inform the EEOC of your intent to sue at least 30 calendar days in advance of filing suit. Such notice must be filed in writing with EEOC, at P.O. Box 77960, Washington, D.C. 20013, or by personal delivery or facsimile within 180 days of the occurrence of the alleged unlawful practice.

If you are filing a claim of discrimination based on sexual orientation or gender identity (LGBT), you may also elect to file with the Office of Special Counsel ([www.osc.gov](http://www.osc.gov)).

I certify that on 03/30/2023, I transmitted this Notice by the following method<sup>4</sup>:

Email Daren.M.Cox@usps.gov (Aggrieved or attorney's email address)

(EEO Counselors: when sending via email, remember to obtain and add to the record proof of receipt on a certain date by the Aggrieved or their attorney representative (if designated); e.g., a return email from the Aggrieved or attorney representative confirming receipt of the Notice, or a copy of the email you sent showing the Notice attached plus a read receipt.)

Certified Mail  (Tracking Number)

Hand Delivery  (Aggrieved or Attorney's Signature)

EEO Counselor's Signature  Adrienne N. Taylor  
Digitally signed by Adrienne N. Taylor  
Date: 2023.03.30 15:16:17 -05'00'

cc (for Aggrieved when represented):

<sup>3</sup> <http://www.treasury.gov/about/organizational-structure/offices/Mgt/Pages/discrimination-complaint.aspx>

<sup>4</sup> When the Aggrieved is unrepresented or is represented by a non-attorney, the timeframe for filing is calculated from when the Aggrieved receives the Notice; when the Aggrieved is represented by an attorney, the timeframe is calculated from when the attorney receives the Notice. 29 C.F.R. § 1614.605(d). Therefore, the receipt information above tracks receipt of the Notice by the Aggrieved or when an attorney is designated, by the attorney.

**From:** Microsoft Outlook  
**To:** Cox, Daren M - Greensboro, NC - Contractor  
**Subject:** Relayed: A: Issuance of the Notice of Right to File a Formal Complaint (IRS-23-0457)  
**Date:** Thursday, March 30, 2023 3:19:09 PM  
**Attachments:** [A Issuance of the Notice of Right to File a Formal Complaint \(IRS-23-0457\).msg](#)

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Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:  
Cox, Daren M - Greensboro, NC - Contractor (Daren.M.Cox@usps.gov) <mailto:Daren.M.Cox@usps.gov>  
Subject: A: Issuance of the Notice of Right to File a Formal Complaint (IRS-23-0457)



## INSTRUCTIONS FOR COMPLETING EEO INFORMAL REPORT OF EEO COUNSELING FORM

The EEO Counselor is responsible for completing the EEO Counseling Report. Items 1 through 21 of the form must be completed and uploaded into iComplaints within five (5) business days of the issuance of the Notice of Right to File. If you cannot obtain requested information, please make a note of this and attach it to this form. If the employee/applicant files a formal EEO discrimination complaint, you should forward to the aggrieved, and/or aggrieved's representative, a copy of this report, plus appropriate attachments. Note: The job application of another person, for example, is not appropriately included among attachments sent to the aggrieved.

The EEO Counselor is not the custodian of the EEO Counselor report system of records under the Privacy Act. Therefore, you must not for any reason or purpose keep a copy of the Report, or any enclosures, attachments, or notes, after you have been notified of the filing of an EEO complaint and have uploaded the originals into the Department's electronic tracking system, or after a period of 45 calendar days from the date of final interview. You should conduct the final interview within 30 calendar days after the date of initial contact with the employee/applicant, unless an extension has been granted. If an extension has been granted, EEO counseling must be completed and the Notice of Right to File a Formal EEO Discrimination Complaint must be issued within 90 calendar days of the date of initial contact.

A COPY OF THE EEO COUNSELING REPORT PLUS APPROPRIATE ATTACHMENTS MUST BE DELIVERED TO AGGRIEVED, OR AGGRIEVED'S REPRESENTATIVE, WHEN THE COMPLAINT IS FILED.

TD F 62-03.1  
Revised 2/2017



## Privacy Act Statement

**AUTHORITY:** 29 U.S.C. § 206(d); 29 U.S.C. § 791; 42 U.S.C. § 2000e; 42 U.S.C. § 2000ff-(2); 29 U.S.C. § 633a; 5 U.S.C. § 1303-1304; 5 CFR § 5.2-5.3; 29 CFR § 1614.105, .107; Executive Order 11478, as amended; and Executive Order 13152 and Management Directive 110 (August 2015).

**PRINCIPAL PURPOSE(S):** This information is being collected for the sole purpose to record a pre-complaint allegation of employment discrimination with the Department of the Treasury on the grounds of race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, disability, protected genetic information, parental status, or retaliation. An employee or applicant must participate in pre-complaint EEO counseling to informally resolve the allegation(s) per § 1614.105, prior to filing a formal EEO complaint of discrimination. Information provided on this form will be used by the employee/applicant at the end of pre-complaint counseling to determine if she/he wants to pursue filing a formal EEO complaint of discrimination against the Department of the Treasury. The information captured on this form will be reviewed by the Department of the Treasury when a formal EEO discrimination complaint is filed to determine whether allegations are within the purview of 29 CFR Part 1614, or the Executive Orders identified above.

**ROUTINE USE(S):** The information on this form may be disclosed as generally permitted under 5 U.S.C. §552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in Treasury .013--Department of the Treasury Civil Rights Complaints and Compliance Review Files – 81 FR 78266 (Nov. 7, 2016).

**PAPERWORK REDUCTION ACT STATEMENT:** In accordance with the Paperwork Reduction Act of 1995, The Department of the Treasury may not conduct or sponsor, and the respondent is not required to respond to this collection of information unless it displays a valid OMB Control Number. The valid OMB Control Number for this information collection is 1505-0262. The collection of this information is voluntary. However, the information is necessary to determine if your complaint of employment discrimination is acceptable for further processing in accordance with EEOC, 29 C.F.R. §1614. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the form. Send comments regarding this burden estimate or any other aspects of this collection, including suggestions for reducing this burden, to Department of the Treasury, Office of Civil Rights and EEO, 1500 Pennsylvania Avenue, N.W., Washington, DC 20220.

TD F 62-03.1  
Revised 2/2017



**Department of the Treasury**  
**Internal Revenue Service**

To<sup>1</sup>: Daren Cox

Pre-complaint number: IRS-23-0457

From: Adrienne Taylor

**Notice of Right to File a Formal EEO Discrimination Complaint**

On 03/01/2023 you<sup>2</sup> contacted an EEO Official to initiate the EEO pre-complaint process during which you alleged: if additional space is required, continue on a blank sheet of paper and attach to this form.

Whether the Counselor (CL) was subjected to discrimination on the basis of Age (06/1965) when on February 28, 2023, the CL received an e-mail notifying him that he was ineligible for the GL-1811-9 Special Agent position within Criminal Investigation (CI) because he exceeds the maximum age requirement for the position. Also the *Provisions of Public Law 93-950 and Public Law 100-238* does not apply to this position nor the larger IRS.

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<sup>1</sup> If the Aggrieved is represented by an attorney, this form shall be addressed to the representative with a copy to the Aggrieved. 29 C.F.R. § 1614.605(d).

<sup>2</sup> The term "you" as it appears in this Notice should be construed to refer to the Aggrieved.

This is to inform you that, because the matters brought to our attention have not been resolved, you are now entitled to file a formal EEO discrimination complaint with the Department of the Treasury.

If you wish to file a formal complaint, it must be in writing signed by you. If your designated representative is an attorney, s/he may sign on your behalf. The complaint must be filed within **fifteen (15) calendar days after receipt of this Notice**. The complaint form and instructions for filing are available [here](#)<sup>3</sup>.

If you did not contact an EEO Official within 45 days from the date of the matter you allege to be discriminatory, or if you do not file the formal complaint within 15 calendar days of receipt of this Notice, please use section 22 of the formal complaint form to explain why you did not meet the time requirements. The Department will evaluate this information when deciding whether to accept your complaint for investigation.

If you believe you were subjected to prohibited age discrimination (40 years of age and older), as an alternative to filing a complaint under the Equal Employment Opportunity Commission regulations, you may file a civil action in an appropriate U.S. District Court under the Age Discrimination in Employment Act against the Secretary of the Treasury, provided that you inform the EEOC of your intent to sue at least 30 calendar days in advance of filing suit. Such notice must be filed in writing with EEOC, at P.O. Box 77960, Washington, D.C. 20013, or by personal delivery or facsimile within 180 days of the occurrence of the alleged unlawful practice.

If you are filing a claim of discrimination based on sexual orientation or gender identity (LGBT), you may also elect to file with the Office of Special Counsel ([www.osc.gov](http://www.osc.gov)).

I certify that on 03/30/2023, I transmitted this Notice by the following method<sup>4</sup>:

Email Daren.M.Cox@usps.gov (Aggrieved or attorney's email address)

(EEO Counselors: when sending via email, remember to obtain and add to the record proof of receipt on a certain date by the Aggrieved or their attorney representative (if designated); e.g., a return email from the Aggrieved or attorney representative confirming receipt of the Notice, or a copy of the email you sent showing the Notice attached plus a read receipt.)

Certified Mail  (Tracking Number)

Hand Delivery  (Aggrieved or Attorney's Signature)

EEO Counselor's Signature  Adrienne N. Taylor Digitally signed by Adrienne N. Taylor  
Date: 2023.03.30 15:16:17 -05'00'

cc (for Aggrieved when represented):

<sup>3</sup> <http://www.treasury.gov/about/organizational-structure/offices/Mgt/Pages/discrimination-complaint.aspx>

<sup>4</sup> When the Aggrieved is unrepresented or is represented by a non-attorney, the timeframe for filing is calculated from when the Aggrieved receives the Notice; when the Aggrieved is represented by an attorney, the timeframe is calculated from when the attorney receives the Notice. 29 C.F.R. § 1614.605(d). Therefore, the receipt information above tracks receipt of the Notice by the Aggrieved or when an attorney is designated, by the attorney.



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

Daren Cox  
[daren.m.cox@usps.gov](mailto:daren.m.cox@usps.gov)  
[darencox@outlook.com](mailto:darencox@outlook.com)

**ACCEPTANCE**

Daren Cox v.  
Janet L. Yellen, Secretary of the  
Treasury  
TD Case No. IRS-23-0457-F

Dear Daren Cox:

In accordance with the Equal Employment Opportunity Commission (EEOC) regulations at 29 C.F.R. Part 1614, the above referenced complaint of discrimination filed on April 17, 2023 will be processed as explained below.

The following claims are **accepted** for investigation:

Whether Complainant was subjected to discrimination based on age (YOB 1965) when, on February 28, 2023, he was not selected for the position of Criminal Investigator (Special Agency), under Vacancy Announcement 22-11371439C-CIX-1811-7T9, due to the age limit for the position.

If you believe that the claims are incorrectly identified, you may notify Donald King by e-mail at [donald.king@treasury.gov](mailto:donald.king@treasury.gov), *within five days* of your receipt of this letter to state your disagreement. If you submit a statement, please be clear and concise. If you do not contact this office within five calendar days, it will be assumed that the claims were correctly stated. Please keep in mind that the purpose of this letter is simply to identify factual events that will be accepted for investigation. You will have the opportunity to provide additional details, evidence, and arguments about the events to the investigator who will be assigned to your case.

**Alternative Dispute Resolution**

In accordance with 29 C.F.R. § 1614.603, the parties must make reasonable efforts to voluntarily settle the complaint throughout the complaint process. Alternative Dispute Resolution (ADR) is a procedure used to provide complainants and Treasury bureaus an opportunity to resolve complaints at the earliest stage possible with the mutual agreement of both parties. **At this time, you are invited to participate in ADR, regardless of whether or not you have previously participated in ADR in connection with this complaint.** If you are interested in ADR, please contact our ADR Coordinator, Clarissa Lara, *within five days* of the date you receive this letter by e-mail at [clarissa.lara@treasury.gov](mailto:clarissa.lara@treasury.gov). If ADR is successful, the terms of any settlement

agreement will be reduced to writing, and you will be provided a copy. Please be advised that the use of ADR or other settlement attempts do not stop or delay the investigative process.

### **Start of the Investigation**

The Department of the Treasury will appoint an EEO investigator to investigate the accepted claims. All parties have a duty to cooperate with the investigator. The investigator will allow all parties to submit evidence. The investigator has the authority to administer oaths and require agency personnel to participate in face-to-face interviews or to provide information through document requests, interrogatories, or affidavits. If you have questions regarding the confidentiality of information you are submitting to the investigator, you are advised to contact your bureau disclosure officials before submitting the information.

Evidence gathered by the investigator is protected from improper disclosure under the Privacy Act. The material which will be provided to you in the form of the Investigative File (or earlier, to provide you an opportunity for rebuttal) is also confidential and **may not be released by you except to your representative**. A willful violation of the Privacy Act may result in criminal penalties. 5 U.S.C. 552a(i).

Usually, the investigation must be completed within 180 days of filing the formal complaint. You may agree to extend the period by 90 days. 29 C.F.R § 1614.108(e).

### **Sanctions for Failure to Cooperate**

EEOC regulation 29 C.F.R. § 1614.107(a)(7) provides for dismissal of a complaint if a complainant fails to provide relevant information, and there is not sufficient information in the record to adjudicate the matter. The complainant's affidavit is considered relevant information.

Further, 29 C.F.R. § 1614.108(c)(3) instructs:

When the complainant, or the agency against which a complaint is filed, or its employees fail without good cause shown to respond fully and in timely fashion to requests for documents, records, comparative data, statistics, affidavits, or the attendance of witness(es), the investigator may note in the investigative record that the decision-maker should, or the Commission on appeal may, in appropriate circumstances:

- (i) Draw an adverse inference that the requested information, or the testimony of the requested witness, would have reflected unfavorable on the party refusing to provide the requested information;
- (ii) Consider the matters to which the requested information or testimony pertains to be established in favor of the opposing party;

- (iii) Exclude other evidence offered by the party failing to produce the requested information or witness;
- (iv) Issue a decision fully or partially in favor of the opposing party; or
- (v) Take such other actions as it deems appropriate.

The creation of an appropriate factual record is not possible without your cooperation and failure to cooperate may result in the dismissal of this complaint.

#### **Additional Claims**

Pursuant to 29 C.F.R. § 1614.106(d), you may amend the complaint at any time prior to the end of the investigation to include issues or claims that are like or related to those raised in the complaint. If the additional issues or claims are not like or related to the current complaint, they cannot be included, and you must initiate contact with an EEO counselor within 45 days of the incident. When a complaint has been amended, the agency shall complete its investigation within the earlier of 180 days after the last amendment to the complaint or 360 days after the filing of the original complaint. 29 C.F.R. § 1614.106(e)(2). If after 180 days (or 270 days if you grant an extension) the investigation is not complete, you may request a hearing from an EEOC Administrative Judge (AJ). 29 C.F.R § 1614.108(h).

#### **End of the Investigation**

When the investigation is completed, you will receive a copy of the investigative file. At that time, you will have 30 days to choose one of the following courses of action:

1. Request a Final Agency Decision (FAD) from the Department of the Treasury pursuant to 29 C.F.R § 1614.110(b); or
2. Request the EEOC appoint an AJ to conduct a hearing and issue a decision pursuant to 29 C.F.R § 1614.108(h).

You will have the right to appeal the outcome to the EEOC, Office of Federal Operations. 29 C.F.R. § 1614.401(a).

#### **Right to File a Civil Action**

Pursuant to 29 C.F.R. § 1614.407, you have the right to file a civil action in federal district court:

1. Within 90 days of receipt of the Department of the Treasury's final action if no appeal has been filed;
2. After 180 days from the date of filing a complaint if no appeal has been filed and no final action on the complaint has been issued;

3. Within 90 days after receipt of the EEOC's final decision on appeal; or
4. After 180 days from the date of filing an appeal with the EEOC if there has been no final decision.

At all times, you are responsible for advising this office of any changes to your contact information, including email. Failure to do so may result in this complaint being dismissed.

***NOTE: Due to limited in-person staff in the Office of Civil Rights and Equal Employment Opportunity, we are unable to regularly receive or send hard copies of complaint-related materials via mail or fax without significant delays in processing. Therefore, all correspondence should be conducted electronically, and this office will send all letters and documents via email, unless a reasonable accommodation is requested.***

If you have any further general questions regarding the processing of this complaint, please email [EEOcomplaintinvestigations@treasury.gov](mailto:EEOcomplaintinvestigations@treasury.gov).

Sincerely,

  
Jenna R. Helf  
For: Snider Page  
Acting Chief  
Office of Diversity, Equity, Inclusion, and  
Accessibility  
Digitally signed  
by Jenna R.  
Helf  
Date:  
2023.05.01  
13:20:47 -04'00'

cc:

Anthony Jacobi, EEO Specialist, EDI, IRS  
Ruth Golden, Compliance Specialist, EDI, IRS  
Anthony Contreras, Senior EEO Specialist, EDI, IRS

UNITED STATES DEPARTMENT OF THE TREASURY

DAREN COX	)		
1419 Staley Snow Camp Road	)		
Siler City, NC 27344	)	TD Case No.:	IRS-23-0457-F
Complainant,	)		
v.	)		
	)		
JANET L. YELLEN	)		
SECRETARY OF THE	)	Date Formal Filed:	April 17, 2023
TREASURY	)		
Agency	)		
	)		

---

**INVESTIGATIVE REPORT**

This investigative report was prepared by the undersigned and submitted to the Agency on this 18<sup>th</sup> day of September, 2023.

Anne Klein,  
PhD

Digitally signed by Anne Klein, PhD  
DN: cn=Anne Klein, PhD, o=NEOISO,  
ou=United States Postal Service,  
email=anne.m.hiltzklein@ups.gov,  
c=US  
Date: 2023.09.18 19:16:19 -05'00'

Anne Klein, PhD  
EEO Complaints Investigator  
21100 Aubrecht Shores Drive  
Pine City, MN 55063-4822

**NOTICE OF RESTRICTED USAGE**

Access to, and usage of, this EEO complaint file is **RESTRICTED** by both the Freedom of Information Act and the Privacy Act to: (1) the Complainant (and his or her representative) and (2) Government officials who must have access to the files to discharge their OFFICIAL duties. The file and its contents must be safeguarded. Willful violations of these requirements are subject to criminal penalties (5 U.S.C. 552a(i)).

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**AFFIDAVITS:**

A. Daren Cox Complainant Age (57, June 1965)	Applicant Internal Revenue Service
B. Homer Byers Witness Age (42, March 1981)	Management and Program Analyst (GS-0343-14) Internal Revenue Service Tax Exempt/Government Entities 550 Main Street Cincinnati, OH 45205

<b><u>Attachment to Affidavit A:</u></b>	<b><u>Affidavit Page #</u></b>
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February 28, 2023 e-mail regarding Notice of Results and Referral	11 – 12
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<b><u>Attachment to Affidavit B:</u></b>	<b><u>Affidavit Page #</u></b>
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Classification and Qualifications – Criminal Investigator – Treasury Enforcement Agent 1811	12 – 13
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Treasury Order 102-05 – Maximum Entry Age for Original Appointment to a Law Enforcement Officer Position	14
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**EXHIBITS**

<b><u>DOCUMENT</u></b>	<b><u># OF PAGES</u></b>
1. Vacancy Announcement for the Position of Criminal Investigator under Vacancy Announcement 22-11371439C-CIX-1811-7T9	48
2. Complainant's Application for Position of Criminal Investigator under Vacancy Announcement 22-11371439C-CIX-1811-7T9	73
3. Equal Opportunity Policy Statement	2

## INVESTIGATIVE SUMMARY

### Statement of Claims and Issues to be Investigated:

Whether Complainant was subjected to discrimination based on age (YOB 1965) when, on February 28, 2023, he was not selected for the position of Criminal Investigator (Special Agency), under Vacancy Announcement 22-11371439C-CIX-1811-7T9, due to the age limit for the position.

### **Remedy Requested:**

Complainant requested to be made whole for his losses.

### **AFFIDAVIT TESTIMONY (Age Allegation)**

Complainant averred that he is 57 years old having been born in June 1965, of which management officials were aware. **[Affidavit A]**

**Homer Byers** testified that he is 42 years old having been born in March 1981. He claimed that he did not know the Complainant's age. **[Affidavit B]**

**CLAIM – WHETHER COMPLAINANT WAS SUBJECTED TO DISCRIMINATION BASED ON AGE (YOB 1965) WHEN, ON FEBRUARY 28, 2023, HE WAS NOT SELECTED FOR THE POSITION OF CRIMINAL INVESTIGATOR (SPECIAL AGENCY), UNDER VACANCY ANNOUNCEMENT 22-11371439C-CIX-1811-7T9, DUE TO THE AGE LIMIT FOR THE POSITION**

### **AFFIDAVIT TESTIMONY (Age Allegation)**

Complainant testified that he is a contractor for USPS as a National Program Manager.

Complainant claimed that he applied for the vacancy through the IRS careers website. He asserted that he was qualified for the vacancy because of his highly detailed data mining in a government setting. However, he was rejected based on age alone. Complainant disputed his non-selection because the provisions of Public Law 93-950 and Public Law 100-238 allow the "imposi" on a maximum age for original appointments to a law enforcement officer position within the federal government does not apply to the IRS or Treasury Department.

Complainant did not indicate if he filed a grievance or appeal. He did not identify any applicable policies. Complainant contended that his age was a factor because "it was in the ineligible notification." **[Affidavit A]**

**Homer Byers** averred that he is a Management and Program Analyst (GS-0343-14) for Tax Exempt/Government Entities in Cincinnati, Ohio reporting to Sandy Kelly and Judith Cook as a first- and second-level manager, respectively. During the period of this investigation, he was an HR Analyst for the Human Capital Office reporting to Kimberly Bross and Michelle Conway as a first- and second-level manager, respectively. Complainant was an applicant with no supervisory relationship to him.

Mr. Byers indicated that he was the HR Specialist who posted the vacancy on USAJobs, which was a year-long announcement for multiple posts of duty; with thousands of applicants and dozens of selecting officials. He stated that the Complainant would have applied for the vacancy through USAJobs. Mr. Byers referred to the qualifications for a Criminal Investigator attached to his affidavit for the requirements. He shared that the Complainant was not scored for the vacancy because the Complainant was rated ineligible based on the Complainant's responses to the online vacancy questions. Mr. Byers asserted that, to his knowledge, the Complainant was accurately and appropriately ranked for the vacancy. Although interviews were conducted, the Complainant was not interviewed because he rated himself as ineligible based on his responses to the questionnaire; with all candidates who met the minimum qualifications passed to be interviewed.

Mr. Byers explained that the provisions of Public Law 93-950 and Public Law 100-238 allow the imposition of a maximum age for original appointments to a law enforcement officer position within the federal government. Specifically, the date immediately preceding an applicant's 37<sup>th</sup> birthday is the final date of referral for selection. This age restriction does not apply to those who have previously served in a federal civilian (not military) law enforcement position covered by Title 5 U.S.C. Section 8336(c) provisions and preference eligible veterans.

Mr. Byers stated that he was not aware of the Complainant filing a grievance. He identified Public Law 93-950 and Public Law 100-238 as the applicable policies. Mr. Byers acknowledged that the Complainant's age was considered as related to Public Law 93-950 and Public Law 100-238. **[Affidavit B]**

## REBUTTAL

Complainant provided a rebuttal to witness testimony and generally repeated his original testimony and disagreed with witnesses. **[Affidavit A]**

**[INVESTIGATOR'S NOTE: Comparators named by the affiants will be addressed in the Comparative Data Section of this summary on page 6.]**

## RECORD EVIDENCE

Vacancy Announcement for the Position of Criminal Investigator (GL 7-9) under Vacancy Announcement 22-11371439C-CIX-1811-7T9 was posted from February 1,

Investigative Summary  
Page 5 of 7

2022 to January 31, 2023. The maximum entry age requirement states, "Provisions of Public Law 93-950 and Public Law 100-238 allow the imposition of a maximum age for original appointments to a law enforcement officer position within the Federal government. The date immediately preceding your 37<sup>th</sup> birthday is the final date of referral for selection. This age restriction does not apply to those who have previously served in a Federal civilian (not military) law enforcement position covered by Title 5 U.S.C. Section 8336 (c) provisions and preference eligible veterans." **[Exhibit 1]**

Complainant's Application for Position of Criminal Investigator under Vacancy Announcement 22-11371439C-CIX-1811-7T9. Complainant's answer to the first question of his date of birth was 06/XX/1965. **[Exhibit 2]**

Classification and Qualifications – Criminal Investigator – Treasury Enforcement Agent 1811, in relevant part, indicates the maximum entry age, "The date immediately preceding an individual's 37<sup>th</sup> birthday is the maximum entry age for original appointment to a position within the Department of Treasury as a law enforcement officer as defined in title 5 U.S.C. 8331(20) or in 5 U.S.C 8401(17). Consideration will be restricted to candidates who have not yet reached age 37 at the time of referral for positions." **[Affidavit B – Pages 12 – 13]**

February 28, 2023 e-mail to the Complainant from Homer Byers regarding Notice of Results and Referral indicates the Complainant was deemed ineligible for the vacancy because "You were not considered because you exceed the maximum age requirement for this position. **[Affidavit A – Pages 11 – 12]**

## COMPARATIVE DATA

**CLAIM – WHETHER COMPLAINANT WAS SUBJECTED TO DISCRIMINATION BASED ON AGE (YOB 1965) WHEN, ON FEBRUARY 28, 2023, HE WAS NOT SELECTED FOR THE POSITION OF CRIMINAL INVESTIGATOR (SPECIAL AGENCY), UNDER VACANCY ANNOUNCEMENT 22-11371439C-CIX-1811-7T9, DUE TO THE AGE LIMIT FOR THE POSITION**

Complainant did not identify any comparator employees. **[Affidavit A]**

Homer Byers did not identify any comparator employees. **[Affidavit B]**

## APPLICABLE POLICIES

Treasury Order 102-05 – Maximum Entry Age for Original Appointment to a Law Enforcement Officer Position, March 18, 2009. **[Affidavit B – Page 14]**

Equal Opportunity Policy Statement, September 1, 2022. **[Exhibit 3]**

**COMPENSATORY DAMAGES**

Complainant testified that, as a result of the alleged discriminatory acts, he experienced financial difficulties and medical problems; he obtained psychological or psychiatric counseling and/or treatment; and he had to take medication. [Affidavit A]

**Record Evidence (Compensatory Damages)**

**[INVESTIGATOR'S NOTE: No documents or other evidence was presented or discovered regarding the Complainant's entitlement to compensatory damages.]**

<b>EEO INVESTIGATIVE AFFIDAVIT (COMPLAINANT)</b>			Page Number <b>1</b>	Number of Pages <b>7</b>	Case Number <b>IRS-23-0457-F</b>
1. Affiant's Name (First, Middle, Last) <b>Daren Cox</b>			2. Employing Facility <b>N/A</b>		
3. Position Title <b>Applicant</b>	4. Position Level <b>N/A</b>	5. Address and Zip + 4 <b>N/A</b>	6. Unit Assigned <b>N/A</b>		
<b>Privacy Act Notice and Rehabilitation Notice</b>					
<b>Privacy Act Statement:</b> Your information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. Collection is authorized by 39 U.S.C. 401, 409, 410, 1001, 1005, and 1206. Providing the information is voluntary, but if not provided, we may not be able to process your request. We may disclose your information as follows: in relevant legal proceedings; to law enforcement when the Agency or requesting agency becomes aware of a violation of law; to a congressional office at your request; to entities or individuals under contract with the Agency; to entities authorized to perform audits; to labor organizations as required by law; to federal, state, local or foreign government agencies regarding personnel matters; to the Equal Employment Opportunity Commission; and to the Merit Systems Protection Board or Office of Special Counsel.			<b>Rehabilitation Act Notice:</b> Under the Rehabilitation Act, medical information is confidential and may only be requested or disclosed in very limited circumstances. Medical documentation about the complainant's and possible comparison employees' medical conditions and work restrictions may be requested in connection with the investigation of an EEO complaint. Information about medical restrictions (but not medical conditions) obtained in the course of an EEO investigation may be disclosed to supervisors and managers who need to know about restrictions on the work or duties of the employee and about necessary accommodations. Supervisors and managers are not permitted to share such information with peers or subordinates or to discuss the information with those who have no need to know and whose requests for the information are not job-related and consistent with business necessity.		
<b>Important Information Regarding Your Complaint</b>					
<p>This EEO Investigative Affidavit (Complainant), and the other form mentioned below, are being provided for you to use to fully respond to the accompanying questions. Mail or deliver your completed statement to the EEO complaints investigator within 15 calendar days of the date you received the forms. Use EEO Investigative Affidavit (Continuation Sheet) as needed to complete your written statement. Remember to number the top of each page and sign and date the bottom of each page of your statement. If you return your statement by mail, the return envelope must be postmarked on or before the 15th calendar day after the date that you received the affidavit forms. Failure to complete your statement and return the forms within the allotted time period could result in your complaint being dismissed based upon your failure to proceed. EEOC complaints processing regulation, 29 C.F.R. 1614.107(a)(7), states, in part, [A complaint may be dismissed] "Where the agency has provided the complainant with the written request to provide relevant information or otherwise proceed with the complaint, and the complainant has failed to respond to the request within 15 days of its receipt, or the complainant's response does not address the agency's request, provided that the request included a notice of the proposed dismissal."</p>					
7. Statement A(Continue on Form 2569 if additional space is required)					

1. You are entitled to have a representative to assist you in the EEO process. If a representative assists you at any time during the process, please identify him/her by name and title and provide his/her mailing address, email address and telephone number.

**Answer:** None

2. Please provide the following about your personal information:

- a. Full name
  - b. Please state the personal pronoun by which you prefer to be addressed (e.g., he/him/his, she/her/hers, they).
  - c. Current home mailing address
  - d. Home telephone number
  - e. E-mail address
- Daren Marvin Cox  
1419 Staley Snow Camp Rd  
Siler City, NC 27344  
336-669-7297  
DarenCox@outlook.com Daren.M.Cox@usps.gov

**Answer:**

**I declare under penalty of perjury that the foregoing is true and correct.**

Affiant's Signature	Daren Cox	Digitally signed by Daren Cox Date: 2023.05.18 15:25:37 -04'00' Adobe Acrobat version: 2022.003.20310	Date Signed <b>05.18.2023</b>
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**EEO Investigative Affidavit (Continuation Sheet)**

Page No.	No. Pages	Case No.
2	7	IRS-23-0457-F

3. Please provide the following information about the current status of your work/employment:

- a. Current work position and grade level
- b. Work location – name and complete address
- c. Immediate supervisor
- d. Second-level supervisor – name and job title

**Answer:** National Program Manager as a contractor to the USPS  
N/A outside of IRS Treasury

4. If different than your answer to Question #3, please provide the following information about the status of your work/employment during the period of this complaint:

- a. Current work position and grade level
- b. Work location – name and complete address
- c. Immediate/First-level supervisor – name and job title
- d. Second-level supervisor – name and job title

**Answer:** N/A

5. Please identify the management officials who you believe subjected you to discrimination during the time period alleged in this complaint. Be sure to provide full name and job title.

**Answer:** Homer Byers HR Specialist  
covingtonpersonel1@irs.gov

**AGE ALLEGATION**

6. Identify your age and month and year of birth.

**Answer:** 57-06.1965

7. Are the management officials who you allege discriminated against you in this complaint, aware of your age? If so, when (approx. date) and how did they become aware?

**Answer:** yes

---

I declare under penalty of perjury that the foregoing is true and correct.

---

Affiant's Signature

Daren Cox

Digitally signed by Daren Cox  
Date: 2023.05.18 15:25:59 -04'00'  
Adobe Acrobat version: 2022.003.20310

Date Signed

Page No.	No. Pages	Case No.
3	7	IRS-23-0457-F

**CLAIM – WHETHER COMPLAINANT WAS SUBJECTED TO DISCRIMINATION BASED ON AGE (YOB 1965) WHEN, ON FEBRUARY 28, 2023, HE WAS NOT SELECTED FOR THE POSITION OF CRIMINAL INVESTIGATOR (SPECIAL AGENT), UNDER VACANCY ANNOUNCEMENT 22-11371439C-CIX-1811-7T9, DUE TO THE AGE LIMIT FOR THE POSITION**

8. Please explain when and how the vacancy was advertised and how you became aware of the vacancy. Please provide any supporting document including a copy of the vacancy announcement.

**Answer:** USAStaffingoffice@opm.gov

9. Please describe in detail the application process you utilized for the position of Criminal Investigator under vacancy announcement 22-11371439C-CIX-1811-7T9 including when and how you applied for the position. Please provide any supporting document including your application/resume for the position in question.

**Answer:** Through IRS careers on website

10. What qualifications were specified on the vacancy announcement?

**Answer:** N/A

11. Please explain in detail why you believe your qualifications meet the requirements of the knowledge, skills and abilities as posted on the vacancy announcement. Please provide any supporting document.

**Answer:** Highly detailed Data mining in a government setting

12. Were you deemed eligible for this position? (i.e., was your name on the Certificate of Eligibles)? If so, how and when were you notified? Please provide any supporting document.

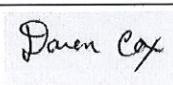
**Answer:** N/A I was rejected based on age alone

13. If you were not deemed eligible, what was the reason for such ineligibility/ disqualification? Please provide any supporting document.

---

**I declare under penalty of perjury that the foregoing is true and correct.**

Affiant's Signature



Digital signature by Darren Cox  
Date: 2023.05.18 15:26:17 -04'00'  
Adobe Acrobat version: 2022.003.20310

**EEO Investigative Affidavit (Continuation Sheet)**

Page No.	No. Pages	Case No.
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**Answer:** Age alone

14. Was there a review board/panel for this position? If so, please identify the members of the review board/panel.

**Answer:** No

15. If you were interviewed at this stage of the application process, were you provided any information regarding your application? Please explain. Please provide any supporting document.

**Answer:** N/A

16. If you were interviewed at this stage of the application process, please identify any and all persons present during the interview process with the review board/panel. Please provide any supporting document.

**Answer:** N/A

17. If there was a review board/panel, were you recommended by the board/panel to the selecting official? If so, how and when were you made aware that you were/were not recommended to the selection official? Please provide any supporting document.

**Answer:** N/A

18. Who was the selecting official for the position of Criminal Investigator under vacancy announcement 22-11371439C-CIX-1811-7T9?

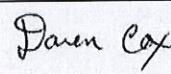
**Answer:** unknown

19. Were you interviewed by the selecting official for the position of Criminal Investigator under vacancy announcement 22-11371439C-CIX-1811-7T9? If yes, where and when did the interview take place? Please provide any supporting document.

---

**I declare under penalty of perjury that the foregoing is true and correct.**

Affiant's Signature



Digital Signature by Daren Cox  
Date: 2023.05.18 15:26:33 -04'00'  
Adobe Acrobat version:  
2022.003.20310

**EEO Investigative Affidavit (Continuation Sheet)**

Page No.	No. Pages	Case No.
5	7	IRS-23-0457-F

**Answer:** N/A

20. Please describe any other communication that occurred between you and the selecting official and/or interviewing officials either during the interview or outside of the interview that you consider relevant to your claim. Please provide any supporting document.

**Answer:** None

21. When and how were you notified that you were not selected for the position of Criminal Investigator under vacancy announcement 22-11371439C-CIX-1811-7T9? Please provide any supporting document.

**Answer:** Email, it is attached

22. Did the selecting official or any other official explain to you why you were not selected for the position of Criminal Investigator under vacancy announcement 22-11371439C-CIX-1811-7T9? If yes, what were you told and when were you so informed? Please provide any supporting document.

**Answer:** It was in email

23. Do you dispute the reason/s provided for your non-selection? If yes, why?

**Answer:** Yes, I contend that Provisions of Public Law 93 - 950 and Public Law 100 - 238 to allow the imposition of a maximum age for original appointments to a law enforcement officer position within the Federal government does not apply to the IRS or treasury Dept.

24. If known, please identify the other applicants for the position by name, position, level, work location, and age.

**Answer:** Unknown

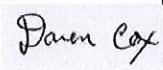
25. If known, please identify the applicants who were referred to the selecting official.

**Answer:** Unknown

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**I declare under penalty of perjury that the foregoing is true and correct.**

Affiant's Signature



Dated and signed by Daren Cox  
Date: 2023.05.18 15:26:47 -04'00'  
Adobe Acrobat version:  
2022.003.20310

**EEO Investigative Affidavit (Continuation Sheet)**

Page No.	No. Pages	Case No.
6	7	IRS-23-0457-F

26. Please identify the individual selected for the position.

**Answer:** Many

27. If there was a review board/panel and you were not recommended to the selecting official, please compare your qualifications to those of the applicants who were referred to the selecting official and explain in detail why you believe that your qualifications exceed the qualifications of those individuals.

**Answer:** N/A

28. If you were referred to and/or interviewed by the selecting official, please compare your qualifications to those of the selected individual and explain in detail why you believe that your qualifications exceed those of the individual who was selected for the position.

**Answer:** N/A

29. Are you claiming the selected individual was treated differently than you in any part of the application or selection process? If yes, describe how the selected individual was treated differently. Please provide any supporting document.

**Answer:** N/A

30. Are you claiming the selected individual was preselected for the position? If yes, explain in detail why you believe that. Please provide any supporting document.

**Answer:** N/A

31. Why do you believe your age was a factor for the allegations in this claim? What evidence can you present to substantiate this belief? Please be specific.

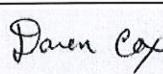
**Answer:** It was in the ineligible notification

---

**I declare under penalty of perjury that the foregoing is true and correct.**

---

Affiant's Signature



Date: 2023.05.18 15:27:04 -04'00'  
Adobe Acrobat version:  
2022.003.20310

**EEO Investigative Affidavit (Continuation Sheet)**

Page No.	No. Pages	Case No.
7	7	<b>IRS-23-0457-F</b>

32. What is the Agency's policy and procedures related to this claim? (Please include a copy of the relevant policy/procedures.)

**Answer:** N/A

33. Did you file a grievance/appeal with regard to this allegation/claim? If so, at what stage is the grievance/appeal? If a final decision was reached, what was the result? (If applicable, please include copies of documentation.)

**Answer:** N/A

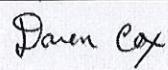
34. What remedy do you request to resolve this complaint?

**Answer:** Make me whole for my losses

---

I declare under penalty of perjury that the foregoing is true and correct.

Affiant's Signature



Digital Signed by Daren Cox  
Date: 2023.05.18 15:27:18 -04'00'  
Adobe Acrobat version:  
2022.003.20310

## Certification

Case No.  
**IRS-23-0457-F**

I have read the foregoing attached statement, consisting of 10 pages, and it is true and complete to the best of my knowledge and belief. In making this statement, I understand Section 1001, Title 18 of the U.S. Code which states:

"Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both."

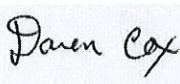
### Privacy Act Notice

**Privacy Act Notice.** The collection of this information is authorized by The Equal Employment Opportunity Act of 1972, 42 U.S.C. 2000e-16; The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.633a; The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the Agency is a party or has an interest; to a government agency in order to obtain information relevant to an Agency decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the Agency to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of Agency finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for Investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. The information requested through this form is voluntary for the Complainant and for non-Federal Agency employees. Federal Agency employees, pursuant to 29 Code of Federal Regulations § 1614.108 (c)(1) and (c)(3), are required to cooperate and shall produce such documentary and testimonial evidence as the investigator deems necessary.

### Declaration

I declare, under penalty of perjury, that the foregoing is true and correct.

*(Affiant, sign and date if attached statement was not completed in the presence of an EEO Complaints Investigator.)*

Signature of Affiant	Digitally signed by Daren Cox Date: 2023.05.18 14:47:36 -04'00' Adobe Acrobat version: 2022.003.20310	Date Signed <b>05.18.2023</b>
		

# EEO Investigative Affidavit for Compensatory Damages

**Note: Not applicable to Age Discrimination in Employment Act (ADEA) Claims**

Name	Case No.	Page No.	No. of Pages
Daren Cox	IRS-23-0457-F	1	

## **Instructions for the Complainant:**

During an investigation into alleged discrimination, The Treasury is required to gather evidence regarding appropriate remedies, which may include compensatory damages. The remedy that you are seeking to resolve this complaint includes your claim that you are entitled to receive a monetary award. Therefore, you must provide testimony and evidence concerning the nature, extent and severity of the harm you suffered due to the alleged discriminatory conduct. EEO Investigative Affidavit for Compensatory Damages contains a number of questions and/or statements regarding your claim for damages. Please read the questions or statements carefully before responding. If you need additional space, please use an additional sheet(s). Any additional sheet(s) must show the number of this form EEO Investigative Affidavit for Compensatory Damages, the item number(s) to which it pertains, a page number and the total number of pages submitted for this form. *You must declare under penalty of perjury that the information you provide on this form including any attached sheets is true and correct.*

1. I experienced financial difficulties because of the discriminatory act(s) alleged in my complaint.

Yes  No

If yes, provide full explanation. Please include description and cause of difficulty(ies), when occurred, duration of occurrence, and severity.

2. I experienced medical problems because of the discriminatory act(s) alleged in my complaint.

Yes  No

If yes, provide full explanation. Please include description and cause of problems, when occurred, duration of occurrence, and severity.

3. I obtained psychological or psychiatric counseling and/or treatment because of the discriminatory act(s) alleged in my complaint.

Yes  No

If yes, provide full explanation. Please include description and cause of problems, when occurred, duration of occurrence, and severity.

4. I have had to take medication because of the discriminatory act(s) alleged in my complaint.

Yes  No

If yes, list type of medication, reason for the medication, and the cost of the medication.

5. Did any of the difficulties for which you checked "Yes" in items 1-4 exist prior to the act(s) of discrimination alleged in your complaint?

Yes  No

If yes, please complete question 6 below.

6. Describe for each pre-existing condition how that condition was made worse by the act(s) of discrimination alleged in your complaint. Begin each description with the item number on page 1 (items 1 through 4) to which it pertains.

7. Is there any other information or evidence regarding your claim for entitlement to compensatory damages that you want to include with your affidavit?

Yes  No

If yes, please provide a full explanation of the information you wish to include. Attach additional pages if necessary.

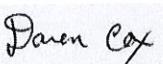
#### **IMPORTANT!**

You must attach or provide the investigator with copies of documentation, such as bills, doctor's statements, pharmacy bills, statements from other persons, or other paperwork relevant to the difficulty that you claim is related to the discriminatory act(s) alleged in your complaint. If you do not have copies of your documentation, you may provide the original to the investigator who will copy relevant records and return the original documents to you. Alternatively, for medical information and records, you may provide a signed authorization from your health care provider to the investigator permitting him/her to obtain information directly from your health care provider or pharmacy. Or, you may sign a medical information release provided by the investigator if you prefer.

#### **Privacy Act Notice**

**Privacy Act Notice.** The collection of this information is authorized by The Equal Employment Opportunity Act of 1972, 42 U.S.C. 2000e-16; The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.633a; The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the Treasury Department is a party or has an interest; to a government agency in order to obtain information relevant to a Treasury Department decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the Treasury Department to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of Treasury Department finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for Investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Treasury employees and other witnesses.

**I declare under penalty of perjury that the foregoing, including any attached sheets, is true and correct.**

Affiant's Signature	 <small>Daren Cox</small>	<small>Digitally signed by Daren Cox Date: 2023.05.18 14:47:11 -04'00' Adobe Acrobat version: 2022.003.20310</small>
		Date Signed
		<b>05.18.2023</b>

**From:** [usastaffingoffice@opm.gov](mailto:usastaffingoffice@opm.gov)  
**To:** Cox, Daren M - Greensboro, NC - Contractor  
**Subject:** [EXTERNAL] Notice of Results and Referral - Criminal Investigator (Special Agent), 22-11371439C-CIX-1811-7T9  
**Date:** Tuesday, February 28, 2023 6:51:04 PM

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**CAUTION:** This email originated from outside USPS. **STOP and CONSIDER** before responding, clicking on links, or opening attachments.

**Department of the Treasury  
Internal Revenue Service  
Human Capital Office  
Talent Acquisition  
Employment Operations**

Dear Daren Cox:

This refers to the application you recently submitted to this office for the position identified below:

Position: Criminal Investigator (Special Agent), GL-1811-7/9  
Announcement: 22-11371439C-CIX-1811-7T9

You have requested consideration for the following geographic locations:

- Greensboro, North Carolina
- Raleigh, North Carolina
- Roanoke, Virginia

We have reviewed your application and made the following determination(s):

Ineligible for the following position or positions:

- GL-1811-9; You were not considered because you exceed the maximum age requirement for this position.

If you claimed veterans' preference, your claimed veterans' preference is:  
NV - No Preference Claimed

Based on the supporting documents you provided with your application, your adjudicated veterans' preference is:

The following is your referral status for the position or positions to which you applied:

- You have not been referred to the hiring manager for position GL-1811-9 in Greensboro, North Carolina
- You have not been referred to the hiring manager for position GL-1811-9 in Raleigh, North Carolina
- You have not been referred to the hiring manager for position GL-1811-9 in Roanoke, Virginia

If you were determined eligible but not referred it may be due to regulatory requirements for priority consideration of eligible veterans, priority placement candidates, and/or higher-ranking candidates that must be certified and considered first. If we receive a request for additional candidates, your application will be reviewed again for possible referral.

**IMPORTANT INFORMATION REGARDING NOTICES FOR STANDING REGISTER ANNOUNCEMENTS:** Standing Registers provide supervisors with a current inventory of applicants interested in IRS positions. If a request to fill a vacancy is received, eligible applicants will be referred to the selecting official for consideration based on Delegated Examining guidelines. Please be advised that you may receive more than one notice for this announcement as vacancies are filled.

If you are referred, the selection process, which includes resume reviews and optional interviews by the hiring manager, may take several weeks depending on the number of applicants. Referral does not guarantee an interview or selection. You will receive email notification of selection or non-selection. If further information or an interview is required, you will be contacted by the Hiring Manager or designee.

If you are ineligible and not referred, you may update your application to provide additional information for consideration only while the vacancy announcement is open on USAJobs.gov (<https://my.usajobs.gov/Account/Login>). There you will find a record of your application, the application status, and an option to update your application. If additional vacancies remain, your updated application will be re-evaluated. If you do not update your application, you will not receive further consideration for the position listed above.

If you have any questions, please contact the HR Specialist below. Include your full name and announcement number: 22-11371439C-CIX-1811-7T9 in the subject line of the e-mail. This will expedite a response to your inquiry.

Sincerely,

Homer Byers  
covingtonpersonnel1@irs.gov

**PLEASE DO NOT RESPOND TO THIS EMAIL MESSAGE. IT IS AUTOMATICALLY GENERATED.**

**Anne Klein, PhD**  
**Independent Contract EEO Complaints Investigator**  
**21100 Aubrecht Shores Drive**  
**Pine City, MN 55063-4822**  
**Phone (763) 923-3446**  
**Fax (202) 268-0690**  
**anne.m.hintzklein@usps.gov**

May 11, 2023

Daren Cox	)	
1419 Staley Snow Camp Road	)	
Siler City, NC 27344	)	TD Case No.: IRS-23-0457-F
Complainant	)	
v.	)	
Janet L. Yellen, Secretary,	)	Date Formal Filed: 4/17/2023
U.S. Department of the Treasury	)	
Washington DC 20224	)	
Agency	)	

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I am Anne Klein, PhD, an independent contract investigator with the National EEO Investigative Service Office, United States Postal Service (USPS). The Department of the Treasury has entered into an agreement with USPS to provide investigative services to the Department of the Treasury for formal EEO complaints. I have been assigned to investigate the above-referenced claim. As an independent contract investigator, I will be using a business email account, anne.m.hintzklein@usps.gov, to send and receive documents related to this investigation, which has been agreed to by the Department of the Treasury and USPS. If you have any questions regarding my authority to investigate this claim, please feel free to contact melva.mcdonald@treasury.gov or javier.garcia@treasury.gov (see attached assignment letter).

**The accepted issue under investigation is:**

Whether Complainant was subjected to discrimination based on age (YOB 1965) when, on February 28, 2023, he was not selected for the position of Criminal Investigator (Special Agency), under Vacancy Announcement 22-11371439C-CIX-1811-7T9, due to the age limit for the position.

(See the letter sent to you by the Department of Treasury).

In an investigation, you, the Complainant, are required to give an affidavit (sworn or affirmed written testimony) of the facts which led you to believe that you were the victim of illegal/unlawful employment discrimination. **Your testimony will be obtained by mail/e-mail.** You have the right to have a representative present to provide advice at any time you are asked for testimony during the processing of your complaint. If you are currently an Agency employee, you are entitled to a reasonable amount of official time to complete this affidavit, but you must obtain permission from your supervisor in advance. Your representative, if s/he is an Agency employee and is otherwise in a duty status, is also entitled to a reasonable amount of official time.

Enclosed are various questions I have relating to your EEO Complaint. Please follow the enclosed instructions on how best to respond to the questions. You will have the opportunity to add any other relevant material to your response.

**Your completed affidavit must be postmarked no later than 15 days from receipt of this letter.** Equal Employment Opportunity Commission (EEOC) Code of Federal Regulations (CFR) 1614.107 (a) (7) requires that the agency shall dismiss a complaint...."Where the agency has provided the complainant with a written request to provide relevant information or otherwise proceed with the complaint, and the complainant has failed to respond to the request within 15 days of its receipt or the complainant's response does not address the agency's request, provided that the request included a notice of proposed dismissal. Instead of dismissing for failure to cooperate, the complaint may be adjudicated if sufficient information for that purpose is available."

This letter will serve as a **15 day notice** that if you do not proceed with this complaint by providing the information requested your complaint may be dismissed for failure to cooperate with the above cited EEOC Regulation.

**You should be aware that you have a duty to respond fully and in a timely fashion to this request for an affidavit/documentation. Failure to do so may result in sanctions or other actions as specified in 29 CFR 1614.108(c) (3).**

The complainant bears the burden of proof in a discrimination complaint. If you allege that you were treated differently because of your purview/basis of race/color, age (+40), sex, national origin, religion, mental or physical disability, or reprisal, you should explain why you believe your complaint is based on the cited purview(s). You must show that you were treated differently than people in a similar situation who are of an opposite or different race, sex, national origin, age, etc.

If you allege **reprisal**, you must show that you had prior protected activity ( i.e. you claimed discrimination in the past, that management was aware of your past EEO activity when it took the action, and that there is a connection between the action you are complaining about and your past EEO activity).

**Your affidavit must be written in first person narrative on the forms provided.** Specific instructions are enclosed to assist you in answering the questions and/or providing the additional requested information.

**Your affidavit must be typed or written and signed in black ink/electronic signature and any reproduced documentation must be legible.**

**Return the signed and dated (all pages) original to me at the address shown above within 15 days of your receipt of this letter.** Keep a copy for your records. If you have any questions concerning your affidavit, I can be reached at the number indicated at the top of this letter and/or via email, as also indicated above. If necessary, arrangements can be made for a conference call with you and/or your representative.

Should you decide to withdraw your formal complaint, Withdrawal of Complaint of Discrimination is enclosed for your signature. Keep a copy for your records.

*Anne Klein*

Anne Klein, PhD  
Independent Contract EEO Complaints Investigator

Enclosures

EEO Investigative Affidavit  
Compensatory Damages  
Certification  
Withdrawal of Complaint of Discrimination  
Notice of Non-Disclosure of Taxpayer Information  
Instructions for completing forms  
Assignment Letter

Page 3 of 3

## **Withdrawal of Complaint of Discrimination**

I, Daren Cox , do hereby voluntarily withdraw

- my request for EEO counseling or formal EEO complaint in its entirety.

- the following allegations(s) ONLY:

I fully understand that by withdrawing the complaint or allegation(s) I have withdrawn, I am waiving my rights to any further appeal of this allegation(s) through the EEO process. I further stipulate that my withdrawal did not result from threat, coercion, intimidation, promise or inducement.

## Privacy Act Notice

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**Signature of Complaint**

Date

## Instructions for completing affidavit

You must be prepared to provide this affidavit stating your reasons for believing that you have been the victim of employment discrimination with respect to the issue(s) accepted for investigation. Therefore it is important that you begin immediately to prepare for the Investigation. **Not following this instruction will only delay the completion of the Investigation, and may result in the dismissal of your complaint for failure to cooperate.**

EEO Investigative Affidavit (Complainant), EEO Investigative Continuation Sheet, and (Certification) are the documents you will use to complete your affidavit. When you prepare your sworn testimony in the form of an affidavit, it **must be typed or black ink** and utilize the EEO Forms provided, **only**. As your testimony is in the form of an affidavit, providing answers on any other form or paper may impact how a reader receives it.

You should answer each question in complete sentences and in the first person. For example, 'I went to my case', not "The complainant went to his case." You should avoid "Yes" or "No" answers if at all possible. Do not skip lines, indent paragraphs or leave blank spaces. Please do not use abbreviated terms or acronyms. If you cross out a word or insert a word or make any changes in the statement, please initial above the change.

You will start with EEO Investigative Affidavit and fill in the information in items at the top of the form. Refer to the enclosed questions, and starting with number one (1), provide your answers in the lower half of the form. The questions are already included on the Affidavit forms and you should insert your answer directly under the question. If you desire to have the Forms as a Word document (recommended) for easier completion as the form will expand as needed for your answer, please let me know at anne.m.hintzklein@usps.gov (unless already provided). Otherwise, use continuation sheets.

Use EEO Investigative Continuation Sheet to continue your answers. When finished with all of your answers, please draw an "X" from your last answer to the bottom of the page and write in "**This is the end of my statement and nothing else follows.**"

Sign and date **EACH** form. Indicate at the top of each form the case number (see cover letter for case number), the number of total pages combined, and the page number for each specific page. If using the Word version, the form self-numbers

Finally, complete Certification and identify the case number and total number of pages included (same number as discussed in paragraph above). **SIGN UNDER THE SECTION CALLED 'DECLARATION'** as this affidavit is not being completed in the presence of the EEO Investigator. (Reference 29 CFR 1614.108 (c) (2))

**Return the affidavit within fifteen (15) calendar days of the date you receive this letter. Please send me an electronic copy of your Affidavit (without attachments) via email.** You should make a copy of your affidavit for your records.

**NOTICE OF NON-DISCLOSURE OF TAXPAYER INFORMATION**

**To be provided to all IRS employees, including the Complainant, who are  
witnesses**

This is a reminder that when responding to the EEO Investigator, please ensure that any taxpayer information is properly redacted before submitting to the EEO Investigator.

Title 26 of the Internal Revenue Code (IRC), Section 6103 includes strict privacy and security rules to safeguard tax information.

A Taxpayer Identification Number (TIN) is an identification number used by the Internal Revenue Service (IRS) in the administration of tax laws. It is issued either by the Social Security Administration (SSA) or by the IRS. A Social Security number (SSN) is issued by the SSA whereas all other TINs are issued by the IRS.

**Taxpayer Identification Numbers**

- Taxpayer's first, last, and company name
- Social Security Number "SSN"
- Employer Identification Number "EIN"
- Individual Taxpayer Identification Number "ITIN"
- Taxpayer Identification Number for Pending U.S. Adoptions "ATIN"
- Preparer Taxpayer Identification Number "PTIN"

**Note to the Investigator: If you receive taxpayer information as described above, please immediately forward to your Treasury POC. Do NOT place this information in the Investigative Folder.**

## Authorization Letter

National EEO Investigative Services Office

May 04, 2023



ANNE M. KLEIN

RE: Letter of Authorization

DAREN COX  
vs.  
Janet L. Yellen, Secretary  
U.S. Department of the Treasury  
IRS-23-0457-F

Dear Anne M. Klein :

You have been assigned to conduct an investigation of the complaint of discrimination referenced above. Enclosed is the formal complaint, report of counseling, and any related correspondence or documentation. Your investigation should be completed and returned to James S. Chiarella, EEO Services Analyst, using the contact information below, in accordance with the terms of the statement of work and the task order.

You are authorized to:

- Investigate all aspects of this complaint.
- Require all federal employees to cooperate in the investigation (29 C.F.R. 1614, MD-110)
- Require federal employees who have knowledge of the issue(s) raised in the complaint to provide testimony in affidavit or under oath, affirmation, or penalty of perjury.

Sincerely,

A handwritten signature in black ink that reads 'Tamra S. Schweiberger'.

Tamra S Schweiberger  
Manager, EEO Services

cc: James S. Chiarella  
EEO Services Analyst  
PO Box 21979  
Tampa FL 33622-1979  
Tel. (813) 739-2061  
Fax: (813) 739-2098

I contend that Provisions of Public Law 93-950 and Public Law 100-238 to allow the imposition of a maximum age for original appointments to a law enforcement officer position within the Federal government does not apply to the IRS or treasury Dept. It is clear and explicit.

After the discrimination for age, I was distraught, and went into a deep depression, during that time I had an interview with the postal service, for which I have worked for 17 years as a contractor, in which I broke down and cried and couldn't complete the interview, the USPS found me unfit for the position I have successfully and excelled at for 15 of my 17 years. There were 4 positions open of which I was the top seed. Three of the positions were not filled and the one that was filled was filled with someone who had less KSA's than myself. In a interview debrief, I was told I did poorly in the interview and would not be considered for the positions and it was recommended that I seek some medical help. I was so distraught that I fell down a set of stairs in a public place and tore my rotator cuff requiring surgery.

I have done precise calculations needed to make me whole and find them to be fair and reasonable, I only included my medical copay and lost service time and lost medical coverage due to the discrimination. This discrimination has left me anxious about my future employment status, which I can not include in good repute, and I may have to solely bear that collateral damage. Due to the unforeseen nature of this it cannot in good faith be included.

Proof of the discrimination attached:

Please see my calculations attached.

Thank you.

**Anne Klein, PhD  
EEO Investigator  
21100 Aubrecht Shores Drive  
Pine City, MN 55063-4822  
Phone (763) 923-3446  
Fax (202) 268-0690  
anne.m.hintzklein@usps.gov**

June 16, 2023

<b>Daren Cox</b>	)	
<b>Complainant,</b>	)	
	)	<b>Case No.: IRS-23-0457-F</b>
<b>v</b>	)	
	)	
<b>Janet L. Yellen</b>	)	<b>Date Formal Filed: 4/17/2023</b>
<b>Secretary of Treasury</b>	)	
	)	

Dear Daren Cox;

I have also received Affidavit testimony from affiants for IRS-23-0457-F. This is your opportunity to provide rebuttal testimony, if you wish, to their Affidavit.

If you wish to submit a rebuttal statement concerning management's given reason(s) for inclusion in my report of investigation; you may do so within five (5) calendar days. I have attached a suggested format for your use.

Your statement must be received at my office at the email address below. I will close the investigative record at the end of that five (5) calendar day period and will not accept any statement received after that for inclusion in my report of investigation, but will send it to the Agency for its consideration.

If you have any questions, please let me know,

Regards,  
Anne Klein, PhD  
EEO Investigator  
anne.m.hintzklein@usps.gov

**COMPLAINANT'S REBUTTAL STATEMENT**

**NAME: Daren Cox**

**AGENCY CASE NO.: IRS-23-0457-F**

I have been advised of responses related to my Complaint of Discrimination, and:

I do not desire to comment further at this time.

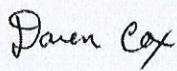
I desire to include further comment as shown below and/or on the attached sheets.

I contend answer 6 is incorrect. Clearly someone knew my age because I was denied on the fact of age, which is clearly evident by the rejection letter I received. Also, I was required to enter my Birthday on the application.

35: I was not denied on any other basis than age, which again, is clearly evident by the sole rejection reason being age.

47: Public Law 93-950 and 100-238 does not apply to the Treasury or the IRS. So age is not a factor for rejection.

**I declare under penalty of perjury that the foregoing is true and correct.**



Digital signature by Daren Cox  
Date: 2023.06.16 15:31:48 -04'00'  
Adobe Acrobat version:  
2022.003.20310

Signature

06.16.2023

Date:

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